POLITICAL CLASSICS.

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TREATISE

ON THE

SOCIAL COMPACT.

OR, THE PRINCIPLES OF

POLITICAL LAW.

BY J. J. ROUSSEAU.

Fæder is æquas Dicamus leges.

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LONDON:

PRINTED FOR D. I. BATON, AT THE COCK AND SWINE, NO. 74, NEWGATE-STREET.

1795.



TREATISE

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BOOK I.

INTRODUCTION.

MY design, in the present Treatise, is to inquire, Whether the nature of society admits of any fixed and equitable rules of government, supposing mankind to be such as they are, and their laws such as they might be made. In this investigation I shall endeavour constantly to join the considerations of natural right and public interest, so that justice and utility may never be disunited. This being premised I shall enter on my subject.

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without expatiating on its importance. If it be asked, Whether I am a prince or legislator, that I thus take upon me to write on politics? I answer, I am neither; and that it is for this reason I write. Were I a prince or legislator, I would not throw away my time in pointing out what ought to be done; I would myself put it in practice, or be silent.

As the citizen of a free state, and a member of the supreme power by birth, however weak may be the influence of my single vote in public affairs, the right of giving that vote is sufficient to impose on me the duty of making those affairs my study; thinking myself happy, in discussing the various forms of government, to find every day new reasons for admiring that of my own country *!

CHAPTER I.

The Subject of the first Book.

MAN is born free, and yet is univerfally enflaved. At the fame time an individual frequently conceives himfelf to be the lord and mafter over others, though only more eminently deprived of liberty. Whence can this change arise? Are there any means by which it may be rendered lawful? The former question I cannot answer, though I imagine myself capable of resolving the latter.

If I took into confideration only the existence and effects of power, I should say, So long as a people are compelled to obey, they do well to be obedient; but, as soon

as they are in a capacity to relift, they do better to throw off the yoke of restraint: for, in recovering their liberty on the same plea by which they lost it, either they have a just right to reassume it, or those could have none who deprived them of it. But there is an inviolable right founded on the very nature of society, which serves as the basis of all others. Man doth not derive this right, however, immediately from nature; it is sounded on mutual convention. We must proceed, then, to inquire, of what kind such convention must have been. But, before we come to argue this point, I should establish what I have already advanced.

CHAP. II.

On the primitive state of fociety.

THE most ancient of all societies, and the only natural one, is that of a family. And even in this, children are no longer connected with their father than while they stand in need of his assistance. When this becomes needless, the natural tie is of course dissolved; the children are exempted from the obedience they owe their father, and the father is equally so from the solicitude due from him to his children; both assume a state of independence respecting each other. They may continue, indeed, to live together afterwards; but their connection, in such a

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family union is then maintained by mutual convention.

This liberty, which is common to all mankind, is the necessary consequence of our very nature; whose first law being that of self-preservation, our principal concerns are those which relate to ourselves: no sooner, therefore, doth man arrive at years of discretion, than he becomes the only proper judge of the means of that preservation, and of course his own master.

In a family, then, we may fee the first model of political societies: their chief is represented by the father, and the people by his children, while all of them being free, and equal by birth, they cannot alienate their liberty, but for their common interest. All the difference between a family and a state lies in this, That, in the former, the love which a father naturally bears to his children is a compensation for his solicitude concerning them; and in the latter, it is the pleasure of command that supplies the place of this love, which a chief doth not entertain for his people.

Grotius denies that government is invested with power solely for the benefit of those who are governed, and cites the case of slaves as an example. It is, indeed, his constant practice to establish the matter of right on the matter of fact. He might have employed a more con-

[&]quot;The learned researches into the laws of nature and nations are of nothing more than the history of ancient abuses; so that it is a ridiculous infatuation to be too fond of studying them."—Manuscript Treatise on the Interests of France, by the Marquis d'A. This was exactly the case with Grotius.

clusive method, though not a more favourable one for tyrannical governments.

It is then doubtful, according to Grotius, whether the whole race of mankind, except about an hundred individuals, belong to those individuals, or whether the latter belong to the whole race of mankind; and he appears throughout his whole work, to lean to the former opinion. This is also the opinion of Hobbes. Thus they divide the human species into herds of cattle; each of which hath its keeper, who protects it from others only that he may make a property of it himself.

As a shepherd is of a superior nature to his flock; so the herd-keepers of men, or their chiefs, are of a superior nature to the herd over which they preside. Such was the reasoning, according to Philo, of the Emperor Caligula; who concluded logically enough from this analogy, that either kings were gods, or their subjects no better than brutes.

This argument of Caligula bears much refemblance to those of Hobbes and Grotius. Aristotle had said, indeed, before either of them, that men were not naturally equal; but that some of them were born to slavery, and others to dominion.

Aristotle was right as to the fact, but mistook the effect for the cause. Nothing is more certain, than that every man born in slavery is born to be a slave. In such a state, men lose even the desire of freedom; and prefer subjection, as the companions of Ulysses did their brutality*.

See a little track written by Plutarch, on the rationality of brutes.

If there are any flaves, therefore, by nature, it is because they are flaves contrary to nature. Power first made flaves, and cowardice hath perpetuated them.

I have faid nothing of king Adam, or the emperor Noah, father of three monarchs, who, like the children Saturn, as some have imagined them to be, divided the the world among them. I hope my moderation also in this respect will be esteemed some merit; for, as I am descended in a right line from one of these princes, and probably from the eldeft branch of the family, how do I know, that, by a regular deduction of my descent, I might not find myfelf the legitimate heir to univerfal monarchy? Be this, however, as it may, it cannot be denied. that Adam had as good a title to the fovereignty of the world when he was the only person in it, as Robinson Crusoe had to that of his island under the same circumstances. A very great conveniency also attended their government, in that the monarch might rest securely on his throne, without fear of wars, conspiracies, or rebellion.

CHAP. III.

On the right of the strongest.

THE strongest is not strong enough to continue always master, unless he transforms his power into a right of command, and obedience into a duty. Hence is deduced

the right of the strongest; a right taken ironically in appearance, and laid down as an established principle in reality. But will this term never be rightly explained? Force, in the simplest sense, is a physical power; nor can I see what morality can result from its essects. To yield to superior force is an act of necessity, not of the will; at most it is but an act of prudence. And in what sense can this be called a duty?

Let us suppose, however, for a moment, this pretended right established, and we shall see it attended with inexplicable absurdities: for if it be admitted that power constitutes right, the effect changes with the cause, and every fucceeding power, if greater than the former, fucceeds also to the right: fo that men may lawfully disobey, as soon as they can do it with impunity; and, as right is always on the strongest side, they have nothing more to do, than to acquire superior force. Now what kind of right can that be, which vanishes with the power of enforcing it? If obedience be only exacted by compulsion, there is no need to make fuch obedience a duty; as when we are no longer compelled to obey, we are no longer obliged to it. It appears, therefore, that the word right adds nothing in this case to that of force, and in fact is a term of no fignification.

Be obedient to the higher powers. If by this precept is meant, subject to a superior force, the advice is good, though superfluous; I will answer for it, such a rule will never be broken. All power, I own, is derived from God: but every corporeal malady is derived also from the same source. But are we therefore forbid to call in the physician?

physician? If a robber should stop me on the highway, am I not obliged, on compulsion, to give him my purse, but am I also obliged to it in point of conscience, though I might possibly conceal it from him? This will hardly be averred; and yet the pistol he holds to my breast is in effect a superior force.

On the whole, we must conclude, then, that mere power doth not constitute right, and that men are obliged only to pay obedience to lawful authority. Thus we are constantly recurring to my first question.

CHAP. IV.

On flavery.

AS no man hath any natural authority over the rest of his species, and as power doth not confer right, the basis of all lawful authority is laid in mutual convention.

If an individual, fays Grotius, can alienate his liberty, and become the flave of a master, why may not a whole people collectively alienate theirs, and become subject to a king? This proposition, however, contains some equivocal terms, which require explanation; but I shall confine myself to that of alienate. Whatever is alienated must be disposed of, either by gift or sale. Now a man who becomes the slave of another, doth not give himself away; but fells himself, at least for his subsistence. But why should a whole people sell themselves? So far is a king from

from furnishing his subjects subsistence, that they maintain him; and, as our friend Rabelais says, a king doth not live on a little. Can subjects be supposed to give away their liberty, on condition that the receiver shall take their property along with it? After this, I really cannot see any thing they have left.

It may be faid, a monarch maintains amonghis subjects the public tranquillity. Be it so; I would be glad to know of what they are gainers, if the wars in which his ambition engages them, if his insatiable avarice, or the oppressions of his ministers, are more destructive than civil dissensions? Of what are they gainers, if even this tranquillity be one cause of their misery? A prisoner may live tranquil enough in his dungeon; but will this be sufficient to make him contented there? When the Greeks were shut up in the cave of the Cyclops, they lived there unmolested, in expectation of their turn to be devoured.

To fay that a man can give himself away, is to talk unintelligibly and absurdly; such an act must necessarily be illegal and void, were it for no other reason than that it argues infanity of mind in the agent. To say the same thing of a whole people therefore, is to suppose a whole nation can be at once out of their senses; but were it so; such madness could not confer right.

Were it possible also for a man to alienate himself, he could not in the same manner dispose of his children, who, as human beings, are born free; their freedom is their own, and nobody hath a right to dispose of it but themselves. Before they arrive at years of discretion, indeed, their father may, for their security, and in their

name, stipulate the conditions of their preservation; but he cannot unconditionally and irrevocably dispose of their persons; such a gift being contrary to the intention of nature, and exceeding the bounds of paternal authority. It is requisite, therefore, in order to render an arbitrary government lawful, that every new generation should be at liberty to admit or reject its authority, in which case it would be no longer an arbitrary government.

To renounce one's natural liberty, is to renounce one's very being as a man; it is to renounce not only the rights, but even the duties of humanity. And what poffible indemnification can be made the man who thus gives up his all? Such a renunciation is incompatible with our very nature; for to deprive us of the liberty of the will, is to take away all morality from our actions. In a word, a convention, which stipulates on the one part absolute authority, and on the other implicit obedience, is in itself futile and contradictory. Is it not evident, that we can lie under no reciprocal obligation whatever to a person of whom we have a right to demand every thing? and doth not this circumstance, against which he has no equivalent, necessarily infer such act of convention to be void? For what claim can my flave have upon me, when he himself, and all that belongs to him, are mine? His claims are of course my own; and to fay those can be fet up against me, is to talk abfurdly.

Again, Grotius and others have deduced the origin of this pretended right from the superiority obtained in war. The conqueror, say they, having a right to put the van-quished to death, the latter may equitably purchase his life

life at the expence of his liberty; fuch an agreement being the more lawful, as it conduces to the mutual advantage of both parties.

It is clear and certain, however, that this pretended right of the victor over the lives of the vanquished is not, in any shape, the natural result of a state of war. This is plain, were it for no other reason than that the reciprocal relations of mankind, while living together in their primitive independence, were not sufficiently durable to constitute a state either of peace or war; so that men cannot be naturally enemies. It is the relation substitting between things, and not between men, that gives rise to war; which arising thus, not from personal, but real, relations, cannot substitt between man and man, either in a state of nature, in which there is no settled property, or in a state of society, in which every thing is secured by the laws.

The quarrels, encounters, and duels of individuals, are not sufficient to constitute such a state of war; and, with regard to the particular combats authorised by the institutions of Lewis XI. king of France; they were only some of the abuses of the seudal government; a system truly absurd, as contrary to the principles of natural justice, as of good policy.

War, is not, therefore, any relation between man and man, but a relation between state and state; in which individuals are enemies only accidentally, not as men, or even as citizens, but as soldiers; not as members of their particular community, but as its defenders. In short, a state can have for its enemy nothing but a state, not men;

as between things effentially different there can be no common relation.

This principle is, indeed, conformable to the established maxims of all ages, and the constant practice of every civilized people. Declarations of war are made less to give notice to sovereigns, than to their subjects.

The foreigner, whether a fovereign, an individual, or a people, who plunders, kills, or takes prisoner a subject, without declaring war against his prince, is not an enemy, but a robber. Even in a time of war, a just prince may make himself master, in an enemy's country, of whatever belongs to the public; but he will respect the perfons and private properties of individuals, he will respect those rights on which his own are founded. The design of war being the destruction of an hostile state, we have a right to kill its defenders while they are in arms; but as, in laying down their arms, they cease to be enemies, or instruments of hostility, they become in that case mere men, and we have not the least right to murder them. It is sometimes possible effectually to destroy a state, without killing even one of its members; now, war cannot confer any right or privilege, which is not necessary to accomplish its end and defign. It is true, these are not the principles of Grotius, nor are they founded on the authority of the poets; but they are fuch as are deduced from the nature of things, and are founded on reason.

With regard to the right of conquest, it has no other foundation than that of force, the law of the strongest. But, if war doth not give the victor a right to massacre

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the vanquished, this pretended right, which does not exist, cannot be the soundation of a right to enslave them. If we have no right to kill an enemy unless we cannot by force reduce him to slavery, our right to make him a slave never can be founded on our right to kill him. It is, therefore, an iniquitous bargain, to make him purchase, at the expence of liberty, a life, which we have no right to take away. In establishing thus a right of life and death over others, on that of enslaving them; and, on the other hand, a right of enslaving them on that of life and death; we certainly fall into the absorbed to the same of the same of the same certainly fall into the absorbed to the same certainly fall into the same certainly fall i

Let us suppose, however, that this shocking right of general massacre existed, I still affirm, that a slave, made so by the fortune of war, or a conquered people, so reduced to flavery, lie under no other obligations to their master, than to obey him so long as he hath the power to compel them to it. In accepting of an equivalent for their lives, the victor confers on them no favour; instead of killing them uselessly, he hath only varied the mode of their destruction to his own advantage. So far, therefore, from his having acquired over them any additional authority, the state of war subsists between them as before; their relation to each other is the evident effect of it, and his exertion of the rights as of war is a proof, that no treaty of peace hath succeeded. Will it be faid, they have made a convention? Be it so: this convention is a mere truce; and is fo far from putting an end to the state of war, that it necessarily implies its continuation.

Thus, in whatever light we consider this affair, the right

right of making men flaves is null and void, not only because it is unjust, but because it is absurd and insignificant. The terms flavery and justice are contradictory, and reciprocally, exclusive of each other. Hence the following proposal would be equally ridiculous, whether made by one individual to another, or by a private man to a whole people. I enter into an agreement with you, altogether at your own charge, and solely for my prosit, which I will observe as long as I please, and which you are to observe also as long as I think proper.

CHAP. V.

On the necessity of recurring always to the primitive convention.

ON the supposition that I should grant to be true what I have hitherto disproved, the advocate for despotism would, however, profit but little. There will be always a great difference between subjecting a multitude, and governing a society. Let individuals, in any number whatever, become severally and successively subject to one man, they are all, in that case, nothing more than master and slaves; they are not a people governed by their chiefs; they are an aggregate if you will, but do not form an association; there subsists among them neither commonwealth nor body-politic. Such a superior, though he should become the master of half the world, would be still a private person, and his interest, separate

and distinct from that of his people, would be still no more than a private interest. When 'such a person dies, also, the empire over which he presided is dissolved, and its component parts remain totally unconnected, just as an oak falls into a heap of ashes when it is consumed by the sire.

A person, says Grotius, may voluntarily bestow themselves on a king: according to Grotius, therefore, a
people are a people before they thus give themselves up to
regal authority. Even this gift, however, is an act of
society, and presupposes a public deliberation on the matter. Hence, before we examine into the act by which
a people make choice of a king, it is proper to examine
into that by which a people became a people; for on this,
which is necessarily prior to the other, rests the true soundation of society.

For, if in fact there be no prior convention, whence arises (unless indeed the election was unanimous) the obligation of the smaller number to submit to the choice of the greater? and whence comes it, that an hundred persons, for instance, who might desire to have a master, had a right to vote for ten others who might desire to have none? The choice by a plurality of votes is itself an establishment of convention, and supposes that unanimity must at least for once have subsisted among them,

CHAP. VI.

On the Social pact or covenant.

I SUPPOSE mankind arrived at that term when the obstacles to their preservation, in a state of nature, prevail over the endeavours of individuals to maintain themselves in such a state. At such a crisis this primitive state therefore could no longer subsist, and the human race must have perished if they had not changed their manner of living.

Now as men cannot create new powers, but only compound and direct those which really exist, they have no other means of preservation, than that of forming, by their union, an accumulation of forces sufficient to oppose the obstacles to their security, and of putting these in action by a first mover capable of making them act in concert with each other.

This general accumulation of power cannot arise but from the concurrence of many particular forces; but the force and liberty of each individual being the principal instruments of his own preservation, how is he to engage them in the common interest, without hurting his own, and neglecting the obligations he lies under to himself? This difficulty, being applied to my present subject, may be expressed in the following terms:

"To find that form of affociation which shall protect and defend, with the whole force of the community, the person and property of each individual; and in which each person, by uniting himself to the rest, shall nevertheless be obedient only to himself, and remain as fully at liberty as before." Such is the fundamental problem, of which the Social Compact gives the solution.

The clauses of this compact are so precisely determined by the nature of the act, that the least restriction or modification renders them void and of no effect; in so much, that although they may perhaps never have been formerly promulgated, they are yet universally the same, and are every where tacitly acknowledged and received. When the social pact, however, is violated, individuals recover their natural liberty, and are re-invested with their original rights, by losing that conventional liberty for the sake of which they had renounced them.

Again; these clauses, well understood, are all reducible to one, viz. the total alienation of every individual, with all his rights and privileges, to the whole community. For, in the first place, as every one gives himself up entirely and without reserve, all are in the same circumstances, so that no one can be interested in making their common connection burthensome to others.

Besides, as the alienation is made without reserve, the union is as perfect as possible, nor hath any particular associate any thing to reclaim; whereas, if they should severally retain any peculiar privileges, there being no common umpire to determine between them and the public, each being his own judge in some cases, would in time pretend to be so in all, the state of nature would still subsist, and their association would necessarily become tyrannical or void.

In fine, the individual, by giving himself up to all, gives himself to none; and as he acquires the same right over every other person in the community, as he gives them over himself, he gains an equivalent for what he bestows, and still a greater power to preserve what he retains.

If therefore we take from the Social Compact every thing that is not effential to it, we shall find it reduced to the following terms: "We, the contracting parties, do jointly and severally submit our persons and abilities to the supreme direction of the general will of all; and in a collective body, receive each member into that body as an indivisible part of the whole."

This act of affociation accordingly converts the several individual contracting parties into one moral collective body, composed of as many members as there are votes in the assembliy, which receives also from the same act its unity and existence. This public personage, which is thus formed by the union of all its members, used formerly to be denominated a CITY*, and at present takes

The true sense of this word is almost entirely perverted among the moderns; most people take a town for a city, and an house-keeper for a citizen. Such are ignorant, however, that though houses may form a town, it is the citizens only that constitute a city. This same error formerly cost the Carthaginians very dear. I do not remember, in the course of my reading, to have ever found the title of Cives given to the subjects of a prince, not even formerly to the Macedonians, nor, in our times, to the English, though more nearly bordering on liberty than any other nation. The French are the only people who samiliarly take on themselves the name of citizens, because they have no just idea of its meaning, as may be seen in their dictionaries; for, were it otherwise, indeed, they would be guilty of high treason in assuming it. This term is with them rather expressive of a virtue than a privilege. Hence when Bodin spoke of the citizens and inhabitants of Geneva, he committed a wretched blunder in mistaking one for the other. Mr. d'Alembert indeed has avoided this mistake in the Encyclopædia,

takes the name of a republic or body-politic. It is also called, by its several members, a state, when it is passive; the sovereign, when it is active; and simply a power, when it is compared with other bodies of the same nature. With regard to the associates themselves, they take collectively the name of the people; and are separately called citizens, as partaking of the sovereign authority; and subjects, as subjected to the laws of the state. These terms, indeed, are frequently consounded, and mistaken one for the other; it is sufficient, however, to be able to distinguish them when they are to be used with precision.

CHAP. VII.

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Of the Sovereign.

IT is plain from the above formula, that the act of affociation includes a reciprocal engagement between particulars and the public; and that each individual, in contracting, if I may so say with himself, is laid under a twofold engagement, viz. as a member of the sovereignty towards particular persons, and as a member of the state toward the sovereign. That maxim of the civil law, however, is inapplicable here, which says, that no one is bound by the engagements he enters into with himself; for there is

cyclopædia, where he has properly distinguished the four orders of people (and even five, reckoning mere strangers) that are found in our city, and of which two only compose the republic: No other French author that I know of hath ever comprehended the meaning of the word citizen.

a wide difference between entering into a personal obligation with one's self, and with a whole, of which one may constitute a part.

It is farther to be observed, that the public determination, which is obligatory on the fubject with regard to the fovereign, on account of the twofold relation by which each stands contracted, is not, for the contrary reason, obligatory on the supreme power towards itself; and that it is confequently inconfistent with the nature of the bodypolitic, that fuch supreme power should impose a law, which it cannot break. For, as the fovereign flands only in a fingle relation, it is in the same case as that of an individual contracting with himself; whence it is plain, that there neither is, nor can be, any fundamental law obligatory on the whole body of a people, even the Social Compact itself not being such. By this, however, it is not meant, that fuch a body cannot enter into engagements with others, in matters that do not derogate from this contract; for, with respect to foreign objects, it is a simple and individual person.

But as the body-politic, or the fovereign, derives its very existence from this inviolable contract, it can enter into no lawful engagement, even with any similar body, derogatory from the tenor of this primitive act; such as that of alienating any part of itself, or of submitting itself entirely to a foreign sovereign. To violate the act whereby it exists, would be to annihilate itself; and from nothing can arise nothing.

No sooner are a multitude of individuals thus united in a body, than it becomes impossible to act offensively against against any of the members without attacking the whole, and still less to offend the whole body, without injuring the members. Hence both duty and interest equally oblige the two contracting parties to assist each other; and the same persons ought to endeavour to include, within this twofold relation, all the advantages which depend on it.

Now the fovereign, being formed only by the feveral individuals of which the state is composed, can have no interest contrary to theirs: of course the supreme power stands in no need of any guarantee toward the subjects, because it is impossible that the body should be capable of hurting all its members; and we shall see hereafter, that it can as little tend to injure any of them in particular. Hence the sovereign is necessarily, and for the same reafon that it exists, always such as it ought to be.

The case is different, however, as to the relation in which the subjects stand to the sovereign; as, notwith-standing their common interest, the latter can have no security that the former will discharge their engagements, unless means be found to engage their fidelity.

In fact, every individual may, as a man, entertain a particular will, either contradictory or dissimilar to his general will as a citizen. His private interest may influence him in a manner diametrically opposite to the common interest of the society. Reslecting on his own existence as positive and naturally independent, he may conceive what he owes to the common cause to be a free and gratuitous contribution, the want of which will he less hurtful to others than the discharge of it will be bur-

densome to himself; and, regarding the moral person of the state as an imaginary being, because it is not a man, he may be desirous of enjoying all the privileges of a citizen, without suffilling his engagement as a subject; an injustice, that, in its progress, must necessarily be the ruin of the body-politic.

To the end, therefore, that the social compact should not prove an empty form, it tacitly includes this engagement, which only can enforce the rest, viz. that whosoever resuses to pay obedience to the general will, shall be liable to be compelled to it by the force of the whole body. And this is in effect nothing more than that they may be compelled to be free; for such is the condition which, in uniting every citizen to the state, secured him from all personal dependence; a condition, which forms the whole artistice and play of the political machine: it is this alone that renders all social engagements just and equitable, which, without it, would be absured, tyrannical, and subject to the most enormous abuses.

CHAP. VIII.

Of civil fociety in general.

THE transition of man from a state of nature to a state of society is productive of a very remarkable change in his being, by substituting justice instead of instinct as the rule of his conduct, and attaching that morality to his actions

actions of which they were before destitute. It is in immediate consequence of this change, when the voice of duty fucceeds to phyfical impulse and the law of appetite. that man, who hitherto regarded only his own gratification, finds himself obliged to act on other principles, and to consult his reason before he follows the dictates of his passions. Although, by entering into a state of society, he is deprived also of many advantages which depend on that of nature, he gains by it others fo very confiderable: his faculties exert and expand themselves; his ideas are enlarged; his fentiments ennobled; and his whole foul is elevated to fo great a degree, that, if the abuses of this new state do not degrade him below the former, he ought inceffantly to blefs that happy moment in which he was rescued from it, and converted from a stupid and ignorant animal, into an intelligent and wife being.

To state the balance of what is lost and gained by this change, we shall reduce it to comparative terms. By entering into the social compact, man gives up his natural liberty or unlimited right to every thing which he is desirous of and can attain. In return for this, he gains social liberty, and an exclusive property in all those things of which he is possessed. To avoid any mistake, however, in the nature of these compensations, it is necessary to make a just distinction between natural liberty, which is limited by nothing but the inabilities of the individual, and social liberty, which is limited by the general will of the community; and also, between that possession which is only effected by force, or follows the right of prior occupancy,

eupancy, and that property which is only founded on a positive title.

To the preceding also may be added, as the acquisition of a social state, moral liberty, which only renders a man truly master of himself: for to be under the direction of appetite alone is to be in a state of slavery; while to pay obedience only to those laws which we prescribe for ourselves, is liberty. But I have said too much already on this subject, the philosophical meaning of the word Liberty being in this place out of the question.

CHAP. IX.

Of real demesnes.

EACH member of the community, in becoming such, devotes himself to the public from that moment, in such a state as he then is, with all his power and abilities, of which abilities his possessions make a part. Not that in consequence of this act the possession changes its nature by changing hands, and becomes actual property in those of the sovereignty; but as the power of the community is incomparably greater than that of an individual, the public possession is in fact more sixed and irrevocable, without being more lawful, at least with regard to foreigners. For every state is, with respect to its members, master of all their possessions, by virtue of the social compact, which,

in a state, serves as the basis of all other rights; but, with regard to other powers or states, it is master of them only by the right of prior occupancy, which it derives from individuals.

The right of prior occupancy, although more real than that of the strongest, becomes not an equitable right, till after the establishment of property. Every man hath naturally a right to every thing which is necessary for his subsistence; but the positive act by which he is made the proprietor of a certain possession excludes him from the property of any other. His portion being assigned him, he ought to confine himself to that, and hath no longer any right to a community of possessions. Hence it is that the right of prior occupancy, though but of little force in a state of nature, is so respectable in that of society. The point to which we are chiefly directed in the consideration of this right, is rather what belongs to another, than what does not belong to us.

To define the right of prior occupancy in general terms, it is founded on the following conditions. It is requifite, in the first place, that the lands in question should be unoccupied; secondly, that no greater quantity of it should be occupied than is necessary for the subsistence of the occupiers: and, in the third place, that possession should be taken of it, not by a vain ceremony, but by actual cultivation, the only mark of property which, in defect of juridical titles, should be at all respected.

To allow the first occupier a right to as much territory as he may cultivate and is necessary to his subsistence, is certainly carrying the matter as far as is reasonable.

Otherwise we know not how to set bounds to this right. Is it sufficient for a man to set foot on an uninhabited territory, to pretend immediately an exclusive right to it? Is it fufficient for him to have power enough at one time to drive others from the spot, to deprive them for ever afterwards of the right of returning to it? How can a man, or even a whole people, potfess themselves of an immense territory, and exclude from it the rest of mankind, without being guilty of an illegal usurpation; fince, by fo doing, they deprive the rest of mankind of an habitation, and those means of subsistence which nature hath given in common to them all? When Nunez Balbao flood on the sea-shore, and in the name of the crown of Castile took possession of the Pacific Ocean and of all South America, was this sufficient to disposses all the inhabitants of that vast country, and exclude all the other sovereigns in the world? On fuch a supposition, the like idle ceremonies might have been ridiculously multiplied, and his Catholic Majesty would have had no more to do than to have taken possession in his closet of all the countries in the world, and to have afterwards only deducted from his empire fuch as were before possessed by other princes.

It is easy to conceive, how the united and contiguous estates of individuals become the territory of the public, and in what manner the right of sovereignty, extending itself from the subjects to the lands they occupy, becomes at once both real and personal; a circumstance which lays the possessor under a state of the greatest dependence, and makes even their own abilities a security for their sidelity. This is an advantage which does not appear to

have been duly attended to by fovereigns among the ancients, who, by styling themselves only kings of the Persians, the Scythians, the Macedonians, seem to look on themselves only as chiefs of men, rather than as masters of a country. Modern princes more artfully style themselves the kings of England, France, Spain, &c. and thus, by claiming the territory itself, are secure of the inhabitants.

What is very fingular in this alienation is, that the community, in accepting the possessions of individuals, so far from despoiling them thereof, that, on the contrary, it only confirms them in such possessions, by converting an usurpation into an actual right, and a bare possession into a real property. The possessions also being considered as the depositaries of the public wealth, while their rights are respected by all the members of the state, and maintained by all its force against any foreign power, they acquire, if I may so say, by a cession advantageous to the public, and still more so to themselves, every thing they ceded by it: a paradox which is easily explained by the distinction to be made between the rights which the sovereign and the proprietor have in the same fund, as will be seen hereafter.

It may also happen, that men may form themselves into a society, before they have any possessions; and that, acquiring a territory sufficient for all, they may possess it in common, or divide it among them, either equally, or in such different proportions as may be determined by the sovereign. Now, in whatsoever manner such acquisition may be made, the right which each individual has to his

ewn estate, must be always subordinate to the right which the community hath over the possessions of all; for, without this, there would be nothing binding in the social tie, nor any real force in the exercise of the supreme power.

I shall end this book with a remark that ought to serve as the basis of the whole social system: and this is, that, instead of annihilating the natural equality among mankind, the fundamental compact substitutes, on the contrary, a moral and legal equality, to make up for that natural and physical difference which prevails among individuals, who, though unequal in personal strength and mental abilities, become thus all equal by convention and right *.

BOOK II.

CHAPTER I.

That the sovereignty is unalienable.

THE first and most important consequence to be drawn from the principles already established, is, that the general will only can direct the forces of the state agree-

^{*} This equality, indeed, is under some governments merely apparent and delusive, serving only to keep the poor still in misery, and savour the oppression of the rich. And, in sact, the laws are always useful to persons of fortune, and hurtful to those who are destitute: whence it follows, that a state of society is advantageous to mankind in general, only when they all possess something, and none of them have any thing too much.

able to the end of its original institution, which is the common good; for though the opposition of private interests might make the establishment of societies necessary, it must have been through the coalition of those interests that such establishment became possible. The bonds of society must have been formed out of something common to those several interests; for if there had been no point to which they could have been reconciled, no society could possibly have subsisted. Now it is only on these points that the government of society should be founded.

I say, therefore, that the sovereignty, being only the exertion of the general will, cannot be alienated; and that the sovereign, which is only a collective being, cannot be represented but by itself: the power of a people may be transmitted or delegated but not their will.

It may not be absolutely impossible, that the will of an individual should agree, in some particular point, with the general will of a whole people: it is, however, impossible, that such agreement should be constant and durable; for the will of particulars always tends to make distinctions of preference, and the general will to a perfect equality. It is further still more impossible, supposing such agreement might always subsist, to have any security that it would do so, as it could never be the effect of art, but of chance. The sovereign may say, My will is now agreeable to the will of such an individual, or at least to what he pretends to be his will: but it cannot pretend to say, I agree to whatever may be the will of such an individual to-morrow; as it is absurd for

the will to lay itself under any restraint regarding the future, and as it is impossible for the will to consent to any thing contrary to the interest of the being whose will it is. Should a people therefore enter into the engagement of simply promising obedience, they would lose their quality as a people, and be virtually dissolved by that very act. The moment there exists a master, there can be no longer a sovereign, the body politic being thereby destroyed.

I would not be understood to mean, that the orders of a chief may not pass for the dictates of the general will, when the sovereign, though at liberty to contradict, does not oppose it. In such a case, it is to be presumed, from the universal silence of the people, that they give their consent. This will be farther explained in the end.

CHAP. II.

That the sovereignty is indivisible.

FOR the same reason that the sovereignty is unalienable, it is also indivisible: for the will is general*, or it is not; it is that of the body of the people, or only that of part. In the sirst case, this will, when declared, is

In order that this will should be general, it is not always necessary it should be unanimous: it is necessary, however, that every individual should be permitted to vote; every formal exclusion infringing the generality.

an act of fovereignty, and becomes a law: in the fecond, it is only a particular will, or an act of the magistracy, and is at most a decree.

But our politicians, incapable of dividing the fovereignty in its first principles, divide it in its object: they distinguish it into power and will; into a legislative and executive power; into the prerogatives of taxation, of executing justice, and of making war; into departments of domestic and foreign administration. Sometimes they blend all these confusedly together; and, at others, confider them as distinct and separate, making out the fovereign to be a fantastic compound, just as if they should compose a man out of several bodies, of which one should have only eyes, another arms, a third feet, and nothing more. It is faid of the jugglers in Japan, that they will take a child, and cut it into pieces in the presence of the spectators; then, throwing up its dismembered limbs one after another into the air, they are united, and the child descends alive and well as before. The legerdemain of our modern politicians greatly refembles this trick of the Japanese; for they, after having dismembered the bodypolitic with equal dexterity, bring all its parts together by hocus pocus again, and represent it the same as before.

This error arises from their not having formed precise ideas of the sovereign authority, and from their mistaking the simple emanations of this authority for parts of its essence. Thus, for instance, the acts of declaring war and making peace are usually regarded as acts of sovereignty, which they are not; for neither of these acts are laws, but consist only of the application of the law.

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Each is a particular act, determinate only of the meaning of the law in such case, as will be seen more clearly when the idea attached to the word law shall be precisely settled.

By tracing, in like manner, their other divisions, we shall find, that we are constantly mistaken whenever we think the sovereignty divided; and that the prerogatives, which are supposed to be parts of the sovereignty, are all subordinate to it, and always suppose the predetermination of a superior will, which those prerogatives only ferve to put in execution.

It is impossible to fay, in how much obscurity this want of precision hath involved the reasonings of authors on the subject of political law, when they came to examine into the respective rights of kings and people on the principles they had established. By turning to the third and fourth chapters of the first book of Grotius, the reader may fee how that learned author, and his translator Barbeyrac, bewildered and entangled themselves in their own fophisms, through fear of faying too much or too little for their purpose, and of making those interests clash, which it was their business to reconcile. Grotius being diffatisfied with his own countrymen, a refugee in France, and willing to pay his court to Lewis XIII. to whom his book is dedicated, spared no art nor pains to strip the people of their privileges, and to invest kings with prerogative. Barbeyrae also wrote with a similar view, dedicating his translation to George I. of England. But, unluckily, the expulsion of James II. which he calls an abdication, obliged him to be much on the referve. ferve, to turn and wind about, as he faw occasion, in order not to make William III. an usurper. Had these two writers adopted true principles, all these difficulties would have vanished, and they would have written consistently; in such a case, however, they could only, in sober sadness, have told the truth, and would have paid their court only to the people. Now, to tell the truth is not the way to make a fortune; nor are ambassadors appointed, or places and pensions given away, by the populace.

CHAP. III.

Whether the general will can be in the wrong.

IT follows, from what has been faid, and that the general will is always in the right, and constantly tends to the public good. It does not follow, however, that the deliberations of the people will always be attended with the same rectitude. We are ever desirous of our own good, but we do not always distinguish in what it consists. A whole people never can be corrupted; but they may be often mistaken, and it is in such a case only that they appear to seek their own disadvantage.

There is often a considerable difference between the will of all the members and the general will of the whole body: the latter regards only the common interest; the other respects the private interest of individuals, and is the aggregated sum of their particular wills: but, if we take from this sum, those contradictory wills that mutu-

ally destroy each other*, the sum of the remaining difference is the general will.

If a people, fufficiently informed of the nature of the fubject under their confideration, should deliberate, without having any communication with each other, the general will would always refult from the greater number of their little differences, and their deliberation would be fuch as it ought to be. But when they enter into cababals, and form partial affociations at the expence of the general one, the will of each of these affociations becomes general, with regard to the particular members of each; and in itself particular, with regard to the state. In fuch a case, therefore, it may be said, there is no longer as many voters as individuals, but only as many voices as there are affociations. The differences then become less numerous, and give a less general result. Again, should one of these partial affociations be so great as to influence all the rest, the result would no longer be the fum of many little differences, but that of one great one; in which case, a general will would no longer fubfist.

It is requifite, therefore, in order that each refolution may be dictated by the general will, that no fuch partial focieties should be formed in a state, and that each ci-

^{*} Each interests, fays the Marquis d'A. has different principles. A coalition between two particular interests may be formed, out of opposition to that of a third. He might have added, that a coalition of all is formed out of opposition to the interest of each. Were there no different and clashing interests, that of the whole would be hardly distinguishable, as it would meet with no obstacle. All things would go regularly on of their own accord, and civil policy would cease to be an art.

fizen should think for himself*. Such was the sublime institution of the great Lycurgus. But, if such partial societies must and will exist, it is then expedient to multiply their number, and prevent their inequality, as was done by Solon, Numa, and Servius. These are the only salutary precautions that can be taken, in order that the general will may be properly informed, and the people not be mistaken as to their true interest.

CHAP. IV.

Of the limits of the sovereign power.

IF the state, or the city, be a mere moral person, whose life depends on the union of its members, and if the most important of its concerns be that of its own preservation, it should certainly be possessed of an universal compulsive force, to move and dispose each part in such a manner as is most conducive to the good of all. As nature hath given every man an absolute power over his limbs, to move and direct them at pleasure, so the Social Compact gives to the body-politic an absolute power over all its members; and it is this power which, directed by the general will, bears the name, as I have already observed, of the sovereignty.

But, besides this public person, we are to consider

^{*} Vera cosa e, (says Machiavel,) che alcuni divisioni nuocono alle republiche, ealcune giovano: quelle nuocono che sono dalle sette e da partigiani accompagnate: quelle giovano che senza sette, senza partigiani si mantengono. Non potendo adunque provedere un sondatore d'una republica che non siano nimicizie in quella, ha da proveder almeno che non visiano sette.—Hist. Florent. 1. vii.

farther the private persons of which it is composed, and whose life and liberty are naturally independent of it. We come now, therefore, to make a proper distinction between the respective privileges of the citizens and the sovereign*, as well as between the obligations the former lie under as subjects, and the natural rights they claim as men.

It is agreed, that what an individual alienates of his power, his possession, or his liberty, by the Social Compact, is only such parts of them whose use is of importance to the community; but it must be confessed also, that the sovereign is the only proper judge of this importance.

A citizen is bound to perform all the services he can possibly be of to a state, whenever the sovereign demands them; but the sovereign, on his part, cannot require any thing of the subject that is useless to the community: he cannot even be desirous of so doing; for, under the law of reason, nothing can be produced without a cause, any more than under the law of nature.

The engagements in which we are bound to the body of fociety are obligatory, only because they are mutual; and their nature is such, that we cannot, in discharging them, labour for the good of others, without at the same time labouring for that of ourselves. Wherefore, indeed, is it, that the general will is always in the right, and that all constantly desire the good of each, unless it be, be-

Be not in haste, attentive reader, to accuse me here of contradiction. I cannot avoid the seeming contraction in terms, from the native poverty of the language But have a little patience.

eause there is no one that does not appropriate the term each to himself, and who does not think of his own interest in voting for that of all? This serves to prove also, that an equality of privilege, and the notion of justice it produces, are derived from that presence which each naturally gives himself, and of course from the very nature of man; that the general will, in order to be truly such, ought to be so in its essect as well as in its essence; that it ought to flow from all, in order to be applicable to all; and that it must lose its natural rectitude, when it tends to any individual and determinate object; because judging, in such a case, of what is foreign to ourselves, we have no real principle of equity for our guide.

In fact, no sooner do we come to treat of a particular fact or privilege, on a point which has not been fettled by a general and prior convention, than the affair becomes litigious. It is a process, in which the particulars interested are one party, and the public the other; but in which I fee no law to decide, nor judge to determine. It would be abfurd, therefore, in fuch a case, to think of referring it to any express decision of the general will, which could be no other than the decision of one of the very parties; and therefore must be, with regard to the other, foreign and partial, leaning to injustice, and fubject to error. In the same manner, also, that a partial and particular will cannot represent the general will; fo the latter, in its turn, changes its nature, when employed on a particular object, and cannot, in its general capacity, pronounce concerning any particular man or fact. Thus, when the people of Athens, for instance, took upon them to appoint or cashier their chiefs, to decree honours to one, and instict pains and penalties on another, and thus by numerous decrees exercised indiscriminately all the acts of government, they had then, properly speaking, no general will at all: the Athenian people, in this case, did not act in the capacity of sovereign, but in that of magistrate. This may appear contradictory to the common notions of things, but I must be allowed time to explain mine.

We may learn hence, that the general will confifts less in the number of votes, than in the common interest that unites them; for, in this institution, every one subjects himself necessarily to those conditions which he imposes on others: hence the admirable conformity between interest and justice, which stamps on public declarations that characteristic of equity, which we see vanish in the dissoussion of particular subjects, for want of that common interest which unites and makes the criterion of the judge the same with that of the party.

In what manner foever we recur to the first principle, we always arrive at the same conclusion. viz. that the Social Compact establishes such an equality among the citizens, that all lay themselves under the same obligations, and ought all to enjoy the same privileges. Thus, from the very nature of this compact, every act of sovereignty, that is to say, every authentic act of the general will, is equally obligatory on, or savourable to, all the citizens, without distinction; in so much that the sovereign knows only the whole body of the nation, but distinguishes

distinguishes none of the individuals who compose it." What then is properly an act of sovereignty? It is not an agreement made between a superior and an inferior, but a convention between a whole body with each of its members: which convention is a lawful one, because sounded on the social contract; it is equitable, because it is common to all; it is useful, because it can have no other object than the general good; and it is solid and durable, because secured by the public strength and the supreme power.

When the submission of subjects is owing only to such conventions, they pay in fact obedience to none but their own will; and to ask how far the respective privileges of the sovereign and citizens extend, is to ask merely how far the latter may enter into engagements with themselves, viz. each individual with all collectively, and all col-

lectively with each individual.

Hence we see, that the sovereign power, absolute, inviolable, and sacred as it is, neither does nor can surpass the bounds of such general conventions; and that every man hath a right to dispose, as he pleases, of that liberty and property which the terms of such conventions have left to his own disposal: so that the sovereign hath not any right to lay a greater burden on one subject than on another, because, in such a case, it becomes a particular affair, in which the sovereign hath no power to act.

These distinctions being once admitted, it is so far from being true that there is any real renunciation on the part of individuals when they enter into the Social Compact, that their situation becomes, by means of that very com-

pact, much better than before; as, instead of making any alienation, they only make an advantageous exchange of an uncertain and precarious mode of fublistence, for a more fettled and determinate one: they exchange their natural independence, for focial liberty; the power of injuring others, for that of fecuring themselves from injury: and their own natural strength, which might be overcome by that of others, for a civil power which the focial union renders invincible. Their very lives, which they have by these means devoted to the state, are continually protected; and even when they are obliged to expose themfelves to death in its defence, what do they more than render back to fociety what they have before received of it? What do they more, in risking their lives for their country, than they would have been obliged to do more frequently, and with much greater danger, in a state of nature; when, subject to inevitable outrages, they would have been obliged to defend their means of subfistence at the hazard of their lives? That every one lies under the obligation of fighting in defence of his country is true; but then he is relieved by the laws from the necessity of fighting to defend himself. And are not men gainers, on the whole, by running part of those risks for their common fecurity, which they must feverally run for themfelves were they deprived of that fecurity.

CHAP. V

On capital punishments.

IT hath been asked, how individuals, having no right to dispose of their own lives, can transmit that right to the sovereign? The difficulty of resolving this question, arises only from its being badly expressed. Every man hath an undoubted right to hazard his life for its preservation. Was a man ever charged with suicide, for throwing himself from the top of an house in slames, in order to avoid being burnt? Was it ever imputed as a crime to a man, who might be cast away at sea, that he knew the danger of the voyage when he embarked?

The end of the Social Compact, is the prefervation of the contracting parties. Such, therefore, as would reap the benefit of the end, must affent to the means, which are inseparable from some dangers and losses. He that would preserve his life at the expence of others, ought to risk it for their safety when it is necessary. Now, the citizen is no longer a judge of the danger to which the law requires him to be exposed: but when the prince declares that the good of the state requires his life, he ought to resign it; since it is only on those conditions he hath hitherto lived in security, and his life is not solely the gift of nature, but a conditional gift of the state.

The punishment of death inflicted on malefactors may be considered also in the same point of view: it is to prevent our falling by the hands of an assassin, that we confent to die on becoming such ourselves. We are so far from giving away our lives by this treaty, that we enter into it only for our preservation; as it is not to be presumed that any one of the contracting parties formed therein a premeditated design to get himself hanged.

Add to this, that every malefactor, by breaking the laws of his country, becomes a rebel and traitor; ceafing, from that time, to be a member of the community, and even declaring war against it. In this case, the preservation of the state is incompatible with his; one of the two must perish: and thus, when a criminal is executed, he doth not fuffer in the quality of a citizen, but in that of an enemy. His trial and fentence are the evidence and declaration of his having broken the Social Compact, and that of consequence he is no longer a member of the state. Now, as he had professed himself such, at least by his refidence, it is right that he should be separated from the state, either by banishment as a violator of the Social Compact, or by death as a public enemy: for fuch an enemy is not a moral personage, he is a mere man; and it is in this case only that the right of war takes place of killing an enemy.

But, it may be faid, the condemnation of a criminal is a particular act. It is so; and for that reason it does not belong to the sovereign: it is an act, for doing which the supreme power may confer the authority, though it cannot exercise such authority itself. My ideas on this subject are consistent, though I cannot explain them all at once.

It is to be observed, however, that the frequency of executions is always a sign of the weakness or indolence

of government. There is no malefactor who might not be made good for fomething; nor ought any person to be put to death, even by way of example, unless such as could not be preserved without endangering the community.

With regard to the prerogative of granting pardons to criminals, condemned by the laws of their country, and fentenced by the judges, it belongs only to that power which is superior both to the judges and the laws, viz. the fovereign authority. Not that it is very clear that even the supreme power is vested with such a right, or that the circumstances in which it might be exerted are frequent or determinate. In a well-governed state there are but few executions; not because there are many pardoned, but because there are few criminals: Whereas. when a state is on the decline, the multiplicity of crimes occasions their impunity. Under the Roman republic, neither the state nor the confuls ever attempted to grant pardons; even the people never did this, although they fometimes recalled their own sentence. The frequency of pardons indicates, that in a short time crimes will not stand in need of them, and every one may see the consequence of fuch conduct. But my reluctant heart restrains my pen; let us leave the discussion of these questions to the just man who hath never been criminal, and who never flood in need of pardon.

CHAP. VI.

On the law.

HAVING given existence and life to the body politic, by a Social Compact, we come now to give it action and will, by a legislature. For the primitive act, by which such body is formed, determines nothing as yet with respect to the means of its preservation.

Whatever is right and conformable to order, is such from the nature of things, independent of all human con-All justice comes from God, who is the fountain of it; but could we receive it immediately from fo fublime a fource, we should stand in no need of government or laws. There is indeed an universal justice fpringing from reason alone; but, in order to admit this to take place among mankind, it should be reciprocal. To confider things as they appear, we find the maxims of justice among mankind to be vain and fruitless, for want of a natural support: they tend only to the advantage of the wicked, and the disadvantage of the just; while the latter observes them in his behaviour to others. but nobody regards them in their conduct to him. Laws and conventions, therefore, are necessary in order to unite duties with privileges, and confine justice to its proper objects. In a state of nature, where every thing is common, I owe those nothing to whom I have promised nothing: I acknowledge nothing to be the property of another but what is useless to myself. In a state of society

the case is different, where the rights of each are fixed by

We come at length, therefore, to confider what is law. So long as we content ourselves with the metaphysical idea annexed to this term, we must talk unintelligibly; and though we should come to a definition of natural law, we should not know thence any thing more of political law. I have already faid, there can be no general will relative to a particular object. In fact, every particular object must be within or without the state. If without, a will that is foreign, cannot with regard to it be general; and if the object be within the state, it must make a part of it: in which case there arises between the whole and the part, a relation that constitutes two separate beings: one of which is the part, but the whole wanting fuch part is not the whole; and fo long as that relation subfifts, there is no whole, but only two unequal parts; whence it follows, that the will of the one is no longer general with regard to that of the other.

But when a whole people decree concerning a whole people, they consider only their whole body; and, if it then forms any relation, it must be between the entire object considered in one point of view, and the entire object considered in another point of view, without any division of the whole. In this case, the matter of the decree is general as the will that decrees. Such is the act which I call a law.

When I fay that the object of the laws is always general, I mean that the laws confiders the subjects in a collective body, and their actions abstractedly; but never concerns

Thus the law may decree certain privileges, but it cannot bestow them on particular persons: the law may constitute several classes of citizens, and assign even the qualities which may entitle them to rank in these classes; but it cannot nominate such or such persons to be admitted therein: it may establish a legal government, and appoint an hereditary succession; but it cannot make choice of a king, nor appoint the royal family; in a word, every function that relates to an individual object, doth not belong to the legislative power.

Taking things in this light, it is immediately seen how absurd it is to ask in whose power it is to make laws? as they are acts of the general will; or whether the prince be above the laws? as he is but a member of the state. Hence also, it is plain, the law cannot be unjust, as nothing can be unjust to itself; as also what it is to be free, and at the same time subject to the laws, as the laws are only the records of our own will.

It is hence farther evident, the law re-uniting the universality of the will to that of its object, that whatever an individual, of what rank soever, may decree of his own head, cannot be a law: indeed, whatever the supreme power itself may ordain concerning a particular object is not a law, but a simple decree; it is not an act of the sovereignty, but of the magistracy.

I call every state, therefore, which is governed by laws, a Republic, whatever be the form of its administration; for in such a case only it is the public interest that governs, and whatever is public is something. Thus every lawful government

government is republican*. I shall explain hereafter what I meant by a government.

The laws are, strictly speaking, only the conditions of civil fociety. The people who submit to them should therefore be the authors of them; as it certainly belongs to the affociating parties to fettle the conditions on which they agree to form a fociety. But how are they to be fettled?" is it to be done by common confent, or by a fudden infpiration? hath the body politic an organ by which to make known its will? who shall furnish it with the necessary prescience to form its determinations and to publish them before-hand, or how shall it devulge them in the time of need? how shall an ignorant multitude, who often know not what they chuse because they seldom know what is for their good, execute an enterprize fo great and fo difficult as that of a fystem of legislature? A people must necessarily be defirous of their own good, but they do not always fee in what it confifts. The general will is always in the right, but the judgment by which it is directed is not always fufficiently informed. It is necessary it should fee objects fuch as they are, and fometimes fuch as they ought to appear; it should be directed to the falutary end it would pursue, should be secured from the seduction of private interests, should have an insight into the circumstances of time and place; and should be enabled to set the present and perceptible advantages of things, against

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^{*} I do not here mean, by the term republican, either an aristocracy or democracy; but in general every government influenced by the general will of the people, which is the law. To make a government legal, it is not necessary that it should be confounded with the sovereign, but that it should be the minister: so that in this sense even a monarchy is a republic. This will be more fully explained in the subsequent book.

the distant and concealed evil that may attend them. Individuals often see the good which they reject; the public
is desirous of that which is incapable to see. Both stand
equally in need of a guide: the former should be compeljed to conform their desires to reason, and the latter should
be instructed in the discovery of what it desires. It is
thus from the proper information of the public, that there
results an union of the understanding and the will in the
body of society; and thence the exact concurrence of its
parts, and in the end the greatest force of the whole.
Hence arises the necessity of a legislature.

CHAP. VII.

Of the genius and character of a legislator.

To investigate those conditions of society which may best answer the purposes of nations, would require the abilities of some superior intelligence, who should be witness to all the passions of men, but be subject itself to none; who should have no connection with human nature, but should have a perfect knowledge of it; a being, in short whose happiness should be independent of us, and who would nevertheless employ itself about ours *. It is the province of gods indeed to make laws for men.

The same argument which Caligula made use of in point of fact Plato himself employs in point of right, when

he

^{*} Nations become famous only as their legislature declines. The institution of Lycurgus made the Spartans happy for ages before they were famous in Greece.

he goes about to define the civil or royal personage, in treating of a king. But if it be certain that a great prince is a personage rarely to be met with, what is that of a great legislator? The former hath nothing more to do than to sollow the model designed by the latter. The one is the mechanical genuis who invents the machine, the other only the workman who puts it into execution. In the commencement of societies, says Montesquieu, it is the principal persons in republics which form their institution; and afterwards it is the institution which forms the chiefs of republics.

He who should undertake to form a body politic, ought to perceive himself capable of working a total change in human nature; of transforming every individual, of himfelf a folitary and independent being, into a part of a greater whole, from which fuch individual is to receive in one fense his life and existence: he must be capable of altering the constitution of the man, in order to strengthen it; and to substitute a partial and moral existence, in the room of that physical and independent existence which we receive from the hands of nature. In a word, he must be able to deprive man of his natural abilities, in order to invest him with foreign powers which he cannot make use of without the assistance of others. The more such natural force is annihilated and extinct, the greater and more durable are those which are acquired, and the more perfect and folid is the focial institution. So that if each citizen be nothing, and can effect nothing but by the existence and assistance of all the rest, and the force acquired by the whole body be equal or superior to the sum of the natural forces of all its individuals, the legislature may be faid to have reached the highest pitch of perfection it is capable to attain.

The legislator is in every respect a most extraordinary person in a state. If he be undoubtedly so on account of his genius, he is not less so from his function. Yet this is not that of the magistrate or the sovereign. That function, which constitutes the republic, doth not enter into its constitution. It is, on the contrary, a particular and superior employment that hath nothing in common with human government: for if he who hath the command over the citizens should not be entrusted with the command over the laws, he who hath the power over the laws ought as little to have the power over the citizens: for were it otherwise, his laws being made instrumental to his passions, would often serve to perpetuate his injustice, and he could never prevent particular views from altering his system.

When Lyeurgus gave laws to his country, he began by abdicating the throne. It was the custom of most of the Greciancities to entrust their establishment with strangers; a custom that hath been often imitated by the modern republics of Italy: that of Geneva did the same, and sound its account in it *. In the most flourishing age of Rome, that city suffered under flagitious acts of tyranny, and beheld itself on the brink of ruin for having entrusted the

^{*} Those who consider Calvin only as a theologist, know but little of his comprehensive genius. The digest of our laws, in which he had a considerable share, do him as much honour as his religious system; and what revolution soever time may effect in our public worship, the memory of this great man will continue to be revered so long as patriotism and a sense of liberty survive among us.

difficulty

fovereign power and the legislative authority in the same hands.

Even the Decemviri themselves, however, never asfumed the right of passing any law merely on their own authority. Nothing that we propose, said they to the people, can pass into a law without your consent. Be yourselves, ye Romans, the authors of those laws on which your happiness depends.

The legislator, therefore, who digests the laws, should have no right to make them pass for such; nor indeed can the people, though inclined to do it, deprive themselves of that incommunicable right; because, according to the fundamental compact, it is the general will only that is obligatory on individuals; and it is impossible to be assured that any particular will is conformable to the general, till it be fubmitted to on the free fuffrage of the people. I have faid this before, but perhaps have not unnecessarily repeated it.

Thus, in the business of a legislature, we find two things apparently incompatible; a defign fuperior to human abilities, carried into execution by an authority which is nothing.

Another difficulty which merits attention is, that wife men in talking their own language to the vulgar, fpeak unintelligibly. And yet there are many kinds of ideas which it is impossible to convey in the language of the people. Views too general, and objects too diffant, are equally beyond their comprehension; the individual, relishing no other plan of government than that which is conducive to his private interest, is with D 3

difficulty brought to fee those advantages which are to be deduced from the continual checks he may receive from faluary laws. In order to give a newly-formed people a tafte for the found maxims of policy, and induce them to follow the fundamental rules of fociety, it is necessary that the effect should in a manner become the cause; that the spirit of union which should be the effect of social institutions should preside to form that institution itself, and that men should be such before the laws are made as the laws are defigned to make them. For this reason, therefore, the legislator being capable of employing neither force nor argument, he is of necessity obliged to recur to an authority of an higher order, which may compel without violence, and perfuade without conviction. Hence it is that the founders of nations have been obliged, in all ages, to recur to the intervention of celestial powers; and have honoured their gods with their own wisdom, in order that the people, by submitting themselves to the laws of the state in the same manner as to those of nature, and acknowledging the same power in the formation of the city as in the formation of man, might bend more freely, and bear more tractably the yoke of obedience and public felicity.

Now the determinations of that sublime reason, which soars above the comprehension of vulgar minds, are those which the legislator puts into the mouths of his immortal personages, in order to influence those by a divine authority, who could not be led by maxims of human prudence. It does not belong to every man, however, to make the gods his oracles, nor even to be believed when

when he pretends to be their interpreter. The comprehenfive genius of the legislator is the miracle that proves the truth of his mission. Any man may engrave tables of stone, hire an oracle, pretend to a fecret communication with fome deity, and teach a bird to whisper in his ear, or hit upon other devices to impose on the people. he who knows nothing more, though he may be lucky enough to get together an affembly of fools and madmen, will never lay the foundations of an empire; the fabric raifed by his extravagance prefently falling, and often burying him in its ruins. A transitory union may be formed from flight and futile connections; nothing but the dictates of wisdom, however, can render it durable. The Jewish law, still subsisting, and that of the son of Ishmael, which for ten centuries hath governed half the world, are standing proofs of the superior genius of those great men by whom they were dictated: and though the vanity of philosophy, and the blind prejudice of party, fee nothing in their characters but fortunate impostors. the true politician admires, in their respective institutions, that fagacious and comprehensive power of mind which must ever lay the lasting foundation of human establishments.

It must not, from all this, be concluded, however, that religion and government have, in our times, as Warburton alledges, one common object; but only that in the first establishment of societies, the one was made instrumental to the other.

CHAP. VIII.

Of the People.

AS the architect, before he begins to raise an edifice, examines into the ground where he is to lay the foundation, that he may be able to judge whether it will bear the weight of the superstructure; so the prudent legislator does not begin by making a digest of falutary laws, but examines first whether the people for whom such laws are defigned, are capable of supporting them. It was for this reason Plato refused to give laws to the Arcadians and Cyrenians, knowing they were rich and luxurious, and could not admit of the introduction of equality among It was for this reason that Crete, though it boafted good laws, was inhabited by fuch bad men: Minos had only endeavoured to govern a people already depraved by vice. Various have been the nations that have made a distinguished figure in the world, and yet have not been capable of being governed by good laws; and even those who are capable of being so governed, continued fo but a short time. Nations, as well as individuals, are docile only in their infancy: they become incorrigible as they grow old. When customs are once established and prejudices have taken root among them, it is a dangerous and fruitless enterprize to attempt to reform them. A people cannot even bear to have their wounds probed, though in order to be cured; but refemble those weak and cowardly patients who shudder at the fight of their physician. Not but that fometimes,

as there are distempers which affect the brain of individuals and deprive them of the capacity of remembering what is past, there happen in states such revolutions as produce the same effect on a people, when the horror of the past supplies the place of oblivion, and the state, inflamed and exhausted by civil wars, raises again, if I may fo express myself, out of its own ashes, and reaffumes the vigour of youth in forfaking the arms of death. This was the case with Sparta in the time of Lycurgus, and of Rome after the Tarquins; and fuch hath been the case in modern times with Holland and Switzerland after the expulsion of their tyrants. But these events are rare; and are fuch exceptions as have their cause in the particular constitution of the state excepted. They cannot even take place twice among the fame people: for though they may be made free when they are only barbarous and uncivilized; yet, when the refources of fociety are exhausted, they cannot be renewed. In that case, faction may destroy, but revolutions cannot reestablish their freedom; they require for ever after a master, and not a deliverer. Every free people, therefore, should remember this maxim, that though nations may acquire liberty, yet if once this inestimable acquifition is loft, it is abfolutely irrecoverable.

There is in nations, as well as individuals, a term of maturity, at which they should be permitted to arrive before they are subjected to laws. This term, however, is not always easy to be be known; and yet if it be anticipated, it may be of dangerous consequence. Again, one people may be formed to discipline in their infancy;

while

while another may not be ripened for subjection till after many centuries. The Russians, for instance, will never be truly polished, because they were disciplined too soon. Peter had only an imitative turn: he had nothing of that true genius, whose creative power forms things out of nothing. Some of his measures, indeed, were proper enough, but most of them were ill-timed or ill-placed. He faw that his subjects were mere barbarians, but he did not see that they were not ripe for being made polite. He wanted to civilize them, when he should only have checked their brutality. He wanted to make them at once Germans and Englishmen; whereas he ought to have begun by making them first Russians; and thus he prevented his fubjects from ever becoming what otherwife they might have been, by perfuading them they were such as they were not. It is thus a French tutor forms his pupil to make a figure in his childhood, and to make none for ever afterwards. The empire of Russia, while it is ambitious of reducing all Europe to its subjection, will be subjected itself. Its neighbours, the Tartars, will in time become both its masters and ours. This event feems to me inevitable; all the monarchs in Europe feeming to act in concert, to accelerate fuch a revolution.

CHAP. IX.

The Subject continued.

IN the same manner as nature hath limited the dimensions of a well-formed human body, beyond which
she produces only giants or dwarfs; so in the bodypolitic there are limits, within or beyond which a state
ought not to be confined or extended; to the end that it
may not be too big to be well governed, nor too little to
maintain its own independency. There is in every bodypolitic a maximum of force which it cannot exceed, and
from which it often recedes by extending its dominion.
The more the social knot is extended, the more lax it
grows; and in general, a little state is always proportionably stronger than a great one.

A thousand reasons might be given in support of this maxim. In the first place the administration of government becomes always more difficult as the distance from the seat of it increases, even as a body has the greatest weight at the end of the longest lever. It becomes also more burthensome in proportion as it is divided into parts: for every town hath first its own particular government to pay; that of each district again is paid by the same people; next that of the province, than that of particular governments with their viceroys, all of whom are to be paid as they rise in dignity, and always at the expence of the unhappy people; whom, last of all, the suppose administration itself crushes with the whole weight

weight of its oppression. It is impossible so many needless charges should not tend continually to impoverish the people; who, so far from being better governed by these different ranks of superiors, are much worse so than if they had but one order of governors in the state. And yet with this multiplicity of rulers, they are far from being surnished with proper resources for extraordinary occasions; but on the contrary, when they have occasion to recur to them, the state is always on the brink of ruin.

Nor is this all; the government not only becomes lefs vigorous and active in putting the laws in execution, removing private oppression, correcting abuses, or preventing the feditious enterprifes of rebellion in distant provinces; but the people have less affection for their chiefs, whom they never have an opportunity to fee; for their country, which to them is like the whole world; and for their fellow-subjects, of which the greater part are utter strangers. The same laws cannot be convenient for so many various people of different manners and climates, and who cannot be supposed to live equally happy under the fame form of government. And yet different laws must oceasion much trouble and confusion among people, who, living under the fame administration, and carrying on a perpetual intercourse, frequently change their habitations, intermarry with each other, and, being educated under different customs, hardly ever know when their property is fecure. Great talents lie buried, virtue lives obscured, and vice prevails with impunity, amidst that multitude of ffrangers which flock together round the chief feat of administration. The principles overwhelmed

whelmed with a multiplicity of business, can look into nothing themselves; the government of the state being left to their deputies and clerks. In a word, the measures to be taken, in order to maintain the general authority, on which so many distant officers are ever ready to encroach or impose, engross the public attention; there is none of it left to be employed about the happiness of the people, and indeed hardly any for their defence in case of need: thus it is that a body too unwieldy for its constitution grows debilitated, and sinks under its own weight.

On the other hand, a state ought to be fixed on some basis, to secure its solidity, to be able to resist those shocks which it will not fail to encounter, and to make those efforts which it will find necessary to maintain its dependence. Nations have all a kind of centrifugal force by which they act continually against each other, and tend, like the vortices of Descartes, to aggrandise themselves at the expence of their neighbours. Thus the weak run in danger of being presently swallowed up by the strong; nor is there any security for them, but by keeping themselves in equilibrio with the rest, and making the compression on every side equal.

Hence we see it is prudent in some cases to extend, and in others to restrain, the limits of a state; nor is it one of the least arts in civil polity to distinguish between one and the other, and to six on that advantageous proportion which tends most to the preservation of the state. It may be observed in general, that the reasons for extending dominion, relating to objects external and relative, ought to be subordinate to those for contracting it, whose objects

are internal and absolute. A sound and vigorous constitution is the first thing to be considered; and a much greater reliance is to be made on a good government, than on the resources which are to be drawn from an extensive territory.

Not but that there have been instances of states so constituted, that the necessity of their making conquests hath been essential to their very constitution. It is possible also they might felicitate themselves on that happy necessity, which pointed out, nevertheless, with the summit of their grandeur, the inevitable moment of their fall.

CHAP. X.

The Subject continued.

THE magnitude of a body-politic may be taken two ways: viz. by the extent of territory, and the number of the people; a certain proportional relation between them constituting the real greatness of a state. It is the people which form the state, and the territory which affords sub-sistence to the people; this relation, therefore exists, when the territory is sufficient for the subsistence of the inhabitants, and the inhabitants are as numerous as the territory can maintain. In this proportion consists the maximum of the force of any given number of people; for if the territory be too extensive, the defence of it is burdensome, the cultivation insufficient, and the produce supersluous: hence the proximate causes of desensive war. If, on the

other hand, the territory be too small, the state is under the necessity of being obliged for part of its subsistence to its neighbours: hence the proximate causes of offensive war. Every people who, by their situation, have no other alternative than commerce or war, must be necessarily seeble: they must depend on their neighbours, on adventitious circumstances, and can only have a short and uncertain existence. They must conquer others, and thereby change their situation: or be conquered themselves, and thence be reduced to nothing. It is impossible such a state can preserve its independency but by its insignificancy or its greatness.

It is not easy to calculate the determinate relation between the extent of territory and number of inhabitants fufficient for each other; not only on account of the difference in the qualities of the foil, in its degrees of fertility, in the nature of its productions, and in the influence of climate; but also on account of the remarkable difference in the temperament and constitution of the inhabitants; fome confuming but little in a fertile country, and others a great deal on a barren foil. Regard must also be had to the degree of fecundity among the females, to the circumstances favourable or destructive to population, and to the number of people which the legislator may hope to draw from other countries by the advantages attending his scheme of government; so that he ought not to found his judgment upon what actually exists, but on what he forefees may exist hereafter; not on the present state of population, but on that which will naturally fucceed. In fine,

there

there are a thousand occasions, on which local accidents acquire, or permit a state to possess, a larger share of territory than may appear actually necessary for present use. Thus a people may fpread themselves over a large spot in a mountainous country, whose natural produce of wood or pasture requires less labour of cultivation; where experience teaches us that women are more fruitful than in the flat countries; and in which a large inclined superficies gives but a fmall horizontal base, by which only the land must be estimated in the affair of vegetation. A people, on the contrary, may inhabit a less space on the sea shore, or even among rocks and almost barren fands; because the fishery supplies them with sustenance, instead of the produce of the earth; they can eafily disburden their community by fending out colonies of the fupernumerary inhabitants; and lastly, because it is necessary for them in fuch a case to live near to each other, in order to repel the invasions of pirates.

We may add to these conditional precautions, respecting the formation of a people, one that can be supplied by no other, but without which all the rest are useless: this is, that they should enjoy peace and plenty. For the time in which a state is forming, resembles that in which soldiers are forming a battalion; it is the moment in which they are least capable of resistance, and the most easily defeated. They would even make a greater resistance when put into absolute disorder afterwards, than during the interval of their first fermentation, when each is taken up more about his own particular rank than the common danger

danger. Should a war, a famine, or a rebellion, break out at fuch a crifis, the state would infallibly be subverted.

Not but there have been many governments established in times of disorder and confusion: in such cases, however, those very governments subverted the state. Usurpers have always given rise to, or took the advantage of, those times of general confusion, in order to procure such destructive laws, which the people never could have been prevailed on to pass at a more dispassionate season. The choice of a proper time for the institution of laws, is one of the most certain tokens by which we may distinguish the design of a legislator from that of a tyrant.

If it be asked then, what people are in a situation to receive a system of laws? I answer, those who, though connected by some primitive union either of interest or compact, are not yet truly subjected to regular laws; those whose customs and prejudices are not deeply rooted; those who are under no sear of being swallowed up by a sudden invasion, and who, without entering into the quarrels of their neighbours, are able to encounter separately with each, or to engage the assistance of one to repel the other; a people whose individuals may be known to each other, and among whom it is not necessary to charge a man with a greater burden than it is possible for him to bear; a people who can subsist without others, and without whom all others might subsist *; a people neither rich nor poor,

^{*} If two neighbouring people were so stuated that one could not subsist without the other, the circumstances of the first would be very hard, and of the latter very dangerous. Every wife nation, in such a case, would extricate stell as soon as possible from such a size of dependence. The republic of

but possessed of a competence within themselves; a people, in short, who possess at once the consistency of an ancient nation, and the docility of a newly-created one. The great difficulty in legislation, confifts less in knowing what ought to be established than what ought to be eradicated; and what renders it fo feldom fuccessful, is the impossibility of finding the simplicity of nature in the wants of fociety. It is true, that all these circumstances are very rarely united; and it is for this reason that so few states have much to boast of in their constitution. is still one country in Europe capable of receiving laws: this is the island of Corfica. The valour and constancy, with which those brave people recovered, and have defended their liberty, might defervedly excite fome wife man to teach them how to preferve it. I cannot help fur. mifing, that this little island will, one day or other, be the astonishment of Europe.

CHAP. XI.

Of the various systems of legislature.

IF we were to inquire, in what confifts precifely the greatest good, or what ought to be the end of every system of legislature, we should find it reducible to two

Thlascala, situated in the heart of the Mexican empire, chose rather to be without salt, than purchase it, or even receive it gratis, of the Mexicans. The prudent Thlascalans saw through the snare of such liberality. Thus they preserved their liberty; this petty state, included within that great empire, being, in the end, the cause of its ruin.

principal

principal objects, liberty and equality; liberty, because all partial dependence deprives the whole body of the state of so much strength; equality, because liberty cannot subsist without it.

I have already explained the nature of focial liberty; and with regard to equality, we are not to understand by that term, that individuals should all absolutely possess the same degree of wealth and power; but only that, with respect to the latter, it should never be exercised contrary to good order and the laws; and with respect to the former, that no one citizen should be rich enough to buy another, and that none should be so poor as to be obliged to fell himself*. This supposes a moderation of possessions and credit on the side of the great, and a moderation of desires and covetousness on the part of the little.

This equality, they tell us, is a mere speculative chimera, which cannot exist in practice. But though abuses are inevitable, does it thence follow they are not to be corrected? It is for the very reason that things always tend to destroy this equality, that the laws should be calculated to preserve it.

These general objects of legislature, however, should be variously modified in different countries, agreeable to local situation, the character of the inhabitants, and those other circumstances which require that every people should

^{*}Would you give a flate confiftency and strength? prevent the two extremes as much as possible; let there be no rich persons nor beggars. These two conditions, naturally inseparable, are equally destructive to the commonwealth; the one furnishes tyrants, and the other the supporters of tyranny. It is by these the traffic of public liberty is carried on; the one buying, the other selling it.

have a particular fystem of laws, not always the best in itself, but the best adapted to that state for which it is calculated. If, for example, the foil be ungrateful and barren, or the country too small for its inhabitants, cherish industry and the arts, the productions of which may be exchanged for the commodities required. On the other hand, if your country abounds in fertile hills and plenteous vales; if you live on a rich foil in want of inhabitants; apply yourfelves to agriculture, which affords the means of population; and banish the destructive arts, which ferve only to ruin a country, by gathering the few inhabitants of it together in one particular fpot or two, to the depopulation of all the rest*. Do you occupy an extensive and commodious fituation by the fea-fide? Cover the ocean with your ships, cultivate the arts of navigation and commerce: you will by these means enjoy a brilliant but short existence. On the contrary, do the waves only waste their strength against your inaccessible rocks? Remain barbarous and illiterate; you will live but the more at case, perhaps more virtuous, assuredly more happy. In a word, besides the maxims common to all nations, every people are possessed in themselves of some cause which influences them in a particular manner, and renders their own fystem of laws proper only for themselves. It is thus that in ancient times among the Hebrews, and in modern times among the Arabians, religion was made the princpal

^{*} The advantage of foreign commerce, fays the Marquis d'A. is productive only of a delutive utility to the kingdom in general. It may enrich a few individuals, and perhaps fome cities; but the whole nation gains nothing by it, nor are the people the better for it

object of national concern; among the Athenians, this object was literature; at Carthage and Tyre, it was commerce: at Rhodes, it was navigation; at Sparta war, and at Rome public virtue. The author of the Spirit of laws hath shewn, by a number of examples, in what manner the legislator should model his system agreeable to each of these objects.

What renders the constitution of a state truly solid and durable, is that agreement maintained therein between natural and social relations, which occasions the legislature always to act in concert with nature, while the laws serve only to confirm and rectify, as it were, the dictates of the former. But if the legislator, deceived in his object, should assume a principle different from that which arises from the nature of things; should the one tend to slavery and the other to liberty, one to riches, the other to population, one to peace, the other to war and conquests; the laws would insensibly lose their force, the constitution would alter, and the state continue to be agitated till it should be totally changed or destroyed, and nature have resumed its empire.

CHAP. XII

On the division of the laws.

IN order to provide for the government of the whole, or give the best possible form to the constitution, various circumstances are to be taken into consideration. Of

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these the first is the action of the whole body operating on itself; that is, the relation of the whole to the whole, or of the sovereign to the state, which relation is composed of those between the intermediate terms, as will be seen hereafter.

The laws which govern this relation bear the name of politic laws; and are also called fundamental laws, not without some reason when they are wisely ordained. For if there be only one good method of government in a state, the people who have been so happy as to hit on that method ought to abide by it: but, wherefore should a people, whose laws are bad or defective, esteem such laws to be fundamental? Besides, a nation is in any case at liberty to change even the best laws, when it pleases: for if a people have a mind even to do themselves an injury, who hath any right to prevent them?

The fecond circumstance is the relations which the members of the community bear to each other and to the whole body; the first of which should be as little, and the last as great, as possible; so that every citizen should live in a state of perfect independence on all the rest, and in a state of the greatest dependence on the city. Both these are ever effected by the same means: for it is the power of the state only that constitutes the liberty of its members. On this second kind of relation is laid the immediate foundation of the civil laws.

It may be proper to confider also a third species of relation between the individual and the law; which gives immediate rise to penal statutes: these, however, are in

fact

fact less a distinct species of laws than the sanction of all the others.

To these three kind of laws, may be added a fourth, more important than all the rest; and which are neither engraven on brass or marble, but in the hearts of the citizens, forming the real constitution of the state. These are the laws which acquire daily fresh influence, and, when others grow old and obfolete, invigorate and revive them: thefe are the laws which keep alive in the hearts of the people the original spirit of their institution, and substitute infensibly the force of habit to that of authority. The laws I here speak of are, manners, customs, and, above all, public opinion; all unknown or difregarded by our modern politicians, but on which depends the fuccess of all the rest. These are the objects on which the real legislator is employed in secret, while he appears folely to confine himself to those particular regulations which compose only the preparatory centre of the vault, of which manners, more flow in their progress, form in the end the immoveable arch.

Of these classes, politic laws, or those which constitute the form of government, are relative only to my present subject.

BOOK III.

BEFORE we enter on a discussion of the several forms of government, it will not be improper to ascertain the precise meaning of that term: which as yet hath not been well explained.

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CHAPTER I.

On government in general.

I MUST previously caution the reader to peruse this chapter very deliberately, as it is impossible to render my-felf clearly intelligible to such as are not attentive.

Every free action hath two causes, which concur to effect its production; the one moral, viz. the will which determines the act; the other physical, viz. the power which puts it in execution. When I walk, for instance, toward any particular object, it is first necessary that I should will to go; and secondly, that my feet should bear me forward. A paralytic may will to run, and an active racer be unwilling: the want of power in the one, hath the same effect as the want of will in the other; both remain in their place. The body-politic hath the same principles of motion; which are distinguished also in the same manner by power and will; the latter under the name of the legislative power, and the former under that of the executive power. Nothing is or ought to be done without the concurrence of both.

We have already feen that the legislative power belongs to the people in general, and can belong to none else. On the other hand, it is easy to conclude, from the principles already established, that the executive power cannot appertain to the generality, as legislator or sovereign; because this power is exerted only in particular acts, which are

not the province of the law, nor of course that of the sovereign, whose acts can be no other than laws.

To the public force, therefore, should be annexed a proper agent, which may re-unite and put it in action, agreeable to the directions of the general will; serving as a communication between the state and the sovereign, and effecting the same purpose in the body-politic, as the union of the soul and body in man. Such is the rationale of government, so generally consounded with the sovereign, of which it is only the ministry.

What then is government? It is an intermediate body established between the subject and the sovereign, for their mutual correspondence; charged with the execution of the laws, and with the maintenance of civil and political liberty.

The members of which this body is composed, are called magistrates or kings, that is to say, governors, and the whole body bears the name of the prince*. Those, therefore, who affirm that the act, by which a people profess submission to their chiefs or governors, is not a contract, are certainly right; it being in fact nothing more than the conferring a simple commission on the said chiefs; an employ, in the discharge of which they act as more officers of the sovereign, exercising in his name the power which it hath placed in their hands, and which it may limit, modify, or resume, whenever it pleases, the alienation of its right so to do being incompatible with the very nature and being of society.

^{*} Thus, at Venice, the college of fenators is called the most serene prince, even when the doge is not present.

I call therefore, the legal exercise of the executive power, the Government or supreme administration; and the individual or body charged with that administration, the Prince or the Magistrate.

In the government are to be found those intermediate forces, whose relations compose that of the whole to the whole, or of the sovereign to the state. This last relation may be represented by that of the extremes of a constant proportion, the mean proportional of which is the government. The government receives from the sovereign those orders which it gives to the people; so that, in order to keep the state in due equilibrio, there should, every thing considered, be the same equality between the momentum or force of the government taken in itself, and the momentum or force of the citizens, who are the sovereign considered collectively on one side, and subjects considered severally on the other.

It is, besides, impossible to vary any of these three terms, without instantly destroying the proportions. If the sovereign should be desirous to govern, or the magistrate to give laws, or the subjects resuse to obey, disorder must immediately take place; the will and the power thus no songer acting in concert, the state would be dissolved, and fall into despotism or anarchy. Add to this, that as there can be but one mean proportional between each relation, there can be but one good government for a state. But as a thousand events may change the relation subsisting among a people: different governments may not only be good for different people, but even for the same people at different periods of time.

In order to give the reader an idea of the various relations that may exist between these two extremes, I shall, by way of example, make use of the number of people, as a relation the most easily expressed.

We will suppose, for instance, that a state is composed of ten thousand citizens. The sovereign must be confidered as collectively only and in a body; but every particular in quality of subject is considered as an individual: thus the fovereign is in this case to the subject as ten thousand to one; that is to say, every member of the state shares only the ten thousandth part of the sovereign authority, while at the same time he is subjected to it in his whole person. Again, should the number of people be increased to an hundred thousand, the submission of the subjects would receive no alteration, each of them being totally subjected to the authority of the laws; while his share in the fovereignty, and vote in the enaction of these laws, would be reduced to the hundred-thousandth part; a tenth less than before. Thus the subject, remaining always a fingle integer, the proportion between him and the fovereign increases as the number of citizens is augmented: whence it follows, that as a state increases. the liberty of the subject diminishes.

When I say the proportion increases, I mean that it recedes farther from the point of equality. Thus the greater the proportion, in the language of the geometricians, it is reckoned the less according to common acceptation: agreeable to the former, the relation, considered in point of quantity, is estimated by its extent; according the lat-

ter, considered in point of identity, it is estimated by its proximation.

Now, the less proportion which particular voices bear to the general, that is to say, the manners to the laws, the more ought the general restrictive force to be augmented. Thus the government should be relatively more powerful as the people are more numerous.

On the other hand, the encreasing greatness of a state affording the guardians of the public authority greater temptations and means to abuse their power, the more force a government is possessed of to restrain the people, the more ought the sovereign to be possessed of in its turn to restrain the government. I am not speaking here of absolute power, but of the relative sorces of the component parts of the state.

It follows, from this two-fold relation, that the conflant proportion between the fovereign, the prince, and the people, is not a mere arbitrary idea, but a necessary consequence of the very existence of the body politic. It follows also, that one of the extremes, viz. the people as subjects, being a fixed term represented by unity wherever the two-fold ratio is increased or diminished, that the simple ratio must increase or diminish in like manner, and of course the mean term will be changed. Hence it appears there is no one settled constitution of government, but that there may be as many governments different in their nature as there are states different in magnitude.

If any one should affect to turn my system into ridicule, and say, that, in order to find this mean proportional,

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and form the government as it ought to be, we have no more to do than to find the square root of the number of the people; I answer, that I here make use of the number of the people only by way of example; that the relations of which I have been speaking, are not only estimated by the number of individuals, but in general by the momentum or quantity of action, which arises from a combination of various causes; and though, in order to express myself concisely, I borrow the terms of geometry, I am not ignorant that geometrical precision is not to be expected in treating of moral quantities.

The government is in miniature what the body politic containing it is at large. It is a moral person endowed with certain faculties, active as the sovereign, passive as the state, and capable of being resolved into other sensible relations, from which of course arises a new scale of proportion, and still another within this, according to the order of the courts of justice, till we arrive at the last indivisible term, that is to say, the sole chief or supreme magistrate, which may be represented in the centre of this progression, as an unity between the series of fractions, and that of whole numbers.

But, without embarrassing the reader with a multiplicity of terms, we shall content ourselves with considering the government as a new body in the state, distinct from the subjects and the sovereign, and existing between both.

There is this effential difference, however, between the government and the state, that the latter exists of itself, and the former only by means of the sovereign. Thus as the ruling will of the prince is, or ought to be, only the general will, or the law, the power of the prince is only that of the public centered in him; so that whenever he would derive from himself any absolute and independent act, the combination of the whole is effected. And if, at length, the prince should have a particular will of his own, more active than that of the sovereign, and should make use of the public power in his hands to enforce obedience to such particular will, forming, as it were, two sovereigns, the one of right and the other of fact, the social union immediately vanishes, and the body politic is dissolved.

In order that the body of government, nevertheless, may have an existence, a real life to distinguish it from that of the state; and that its members may act in concert, to answer the end for which it is instituted; it is necessary that it should be possessed of a particular identity, a fensibility common to all its members, a power and will of its own, for the fake of its prefervation. Such a particular existence necessarily supposes that of affemblies and councils; of a power to deliberate and refolve; of the rights, titles, and privileges which belong exclusively to the prince, and render the situation of a magistrate the more honourable in proportion as it is more laborious. The difficulty lies in the method of disposing all the inferior parts of the whole body; fo that, while it is strengthening its own constitution, it may not injure that of the state. At the same time, also, it should always diftinguish between the peculiar force destined to its own preservation, and the public force destined to the prefervation of the flate; in a word, it should be always ready

ready to facrifice the government to the people; and not the people to the government,

To this we may add, that, although the artificial body of government be the work of another artificial body, and is possessed only of a borrowed and subordinate existence; this doth not prevent it from acting with different degrees of vigour and celerity, or from enjoying, if I may so express myself, a greater or less share of health and strength. In short, it may, without running diametrically opposite to the purposes of its institution, deviate from them more or less, according to the mode in which it is constituted.

It is from all these differences that arise those various relations and proportions, which the government ought to bear toward the state, according to those accidental and particular relations in which the state is modified. For the best government in itself may often become the worst, if the relation of its component parts are not altered according to the desects of the body-politic to which it belongs.

CHAP. II.

On the principle which constitutes the different forms of government.

TO explain the general cause of these differences, it is necessary to distinguish here between the prince and the government, in the same manner as I have already done between between the fovereign and the state. The body of the magistracy may be composed of a greater or a less number of members. It hath been observed also, that the relation the sovereign bears to the subject increases in proportion to the number of people; thus, by an evident analogy, we may say the same of the relation between the government and the magistrates.

Now the total force of the government, being always equal to that of the state, suffers no alteration; whence it follows, that the more such force is spent by the distribution of it among the members of the government, the less remains to be exerted on the whole body of people.

That government, therefore, which is in the hands of the greatest number of magistrates, must be the most feeble. As this is a fundamental maxim, we shall take some pains to illustrate it.

In the person of the magistrate may be distinguished three wills essentially different. In the first place, the particular will of the individual, which tends only to his private advantage: secondly, that will which is common to him as a magistrate, tending solely to the advantage of the prince; being general with respect to the government, and particular with regard to the state, of which the government is only a part: and in the third place, the will of the people, or the sovereign will, which is general as well with regard to the state considered as a whole, as with regard to the government considered as a part of that whole.

In a complete system of legislature, the particular will,

or that of the individual, should amount to nothing; the will of the body of government should be very limited, and of course the general or sovereign will the ruling and sole director of all the others.

According to the order of nature, however, these different wills are ranged in a contrary manner; being always more active as they are concentrated in themselves. Thus the general will is always the most feeble, that of the government next, and the will of the individual the strongest of all; so that each member of the administration is to be considered, first of all as an individual, sesondly as a magistrate, and lastly as a citizen; a gradation directly opposite to that which the order of society requires.

The point being settled, let us suppose the administration of government committed to the hands of one man. In this case the will of the individual, and that of the body of the magistracy, are perfectly united, and of consequence the latter possesses the greatest degree of intensity. Now, as it is on the degree of the will that the exertion of force depends, and as the absolute force of the government never varies, it follows that the most active of all administrations must be that of a single person.

On the contrary, if we unite the administration and the legislature; if we make the prince the sovereign, and the citizens all so many magistrates; in this case, the will of the government, confounded with the general will, would possess no greater share of activity, but would leave the particular will of individuals to exert its whole sorce. Thus the government, having always the same

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degree of absolute force, would be at its minimum of relative force or activity.

These relations are incontestable, and may be farther confirmed by other confiderations. It is evident, for example, that the magistrate is more active in that capacity than the citizen in his; and that of course the will of the individual must have a more considerable share of influence in the administration of government, than in the actions of the fovereign; every magistrate being almost always charged with fome function of government; whereas no citizen, confidered as an individual, difcharges any function of the fovereignty. Befides this, the real force of a state increases, as the state increases in magnitude, though not always in the ratio of that magnitude; but while the state remains the same, it is in vain to increase the number of magistrates, as the government will not thereby acquire any additional strength, because its force, being always that of the state, is confantly equal. And thus the relative force or activity of government is diminished, without its real and absolute force being augmented.

It is further certain, that public affairs must be transacted more or less expeditiously according to the number of people charged with their dispatch; that by laying too great a stress on prudence, too little is trusted to fortune; that the opportunity of success is thus frequently lost, and that by the mere force of deliberation the end of it is defeated.

This may ferve to prove, that the reigns of government are relaxed in proportion as the magistrates are multiplied: multiplied: and I have before demonstrated, that the more numerous the people are, the more should the restraining power of government be increased: Hence it follows, that the proportion which the number of magistrates should hold to the government should be in the inverse ratio of the subjects to the sovereign; that is to say, the more extensive the state, the more contracted should be the government, the number of chiefs diminishing as that of the people increases.

I speak here only of the relative force of the government, and not of the rectitude or propriety of it. For, otherwise, it is certain, that the more numerous the magistracy is, the nearer doth the will of that body approach to the general will of the whole people; whereas, under a sole chief, the will of the magistracy is, as I have before observed, only that of an individual. Thus what is gained in one respect, is lost on the other; and the art of the legislator consists in tracing the fixed point, at which the force and the will of the government, always in a reciprocal proportion to each other, unite in that proportion which is most advantageous to the state.

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CHAP. III.

Of the actual distinctions of governments.

WE have treated, in the preceding chapter, of the reasons for distinguishing the several species and forms of government, by the number of the members composing

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them; it remains therefore to shew, in the present, how these distinctions are actually made.

The fovereign authority may, in the first place, commit the charge of the government to the whole people, or to the greater part of them; the number of magistrates in such case exceeding that of private citizens. This form of government is distinguished by the name of a democracy.

Or, otherwise, the supreme power may commit the office of government into the hands of a few, so that the number of private citizens may exceed that of magistrates; and this form bears the name of an aristoracy.

Or lastly, the government may be entrusted to one magistrate only, who delegates his power to all the rest. This third form is the most common, and is called a monarchy or a regal government.

It is to be observed that all these forms, and particularly the two former, are susceptible of different degrees of persection, and admit indeed of considerable latitude in their modification: for a democracy may comprehend the whole people, or be limited to the half. An aristocracy also may comprehend any quantity from the half of the people to the smallest number indefinitely. Nay, a monarchy itself is susceptible of some distribution. Sparta, for instance, had constitutionally two kings at a time; and the Romans had even eight emperors at once, without the empire having been actually divided. Thus, we see, there is a certain point, at which each form of government is consounded with that to which it is nearest related; and thus, under three distinguishing denomina-

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tions only, government is really susceptible of as many different forms as there are citizens in the state.

To go still farther; as even one and the same government is capable, in many respects, of being subdivided into parts, of which the administration may respetively differ, there may result from the varied combinations of these forms a multitude of others, every one of which may be again multiplied by all the simple forms.

Politicians have in all ages disputed much about the best form of government, without considering that each different form may possibly be the best in some cases, and the worst in others.

If in different states the number of supreme magistrates should be in the inverse ratio to that of the citizens, it follows that the democratical government is, generally speaking, better suited to small states, the aristocratical to middling states, and the monarchical to great states. This rule is deduced immediately from our principles; but it is impossible to particularise the multiplicity of circumstances which may furnish exceptions against it.

CHAP. IV.

Of a Democracy.

THE institutor of a law should certainly know better than any other person, how it ought to be understood and executed. It should seem therefore, that the best constitution must be that in which the legislative and exe-

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cutive powers are lodged in the same hands. It is this very circumstance, however, that renders such a government imperfect; because there doth not exist the necessary distinction, which ought to be made in its parts; while the prince and the sovereign, being one and the same person, only form, if I may so express myself, a government without a government.

It is not proper that the power which makes the laws should execute them, or that the attention of the whole body of the people should be diverted from general views to particular objects. Nothing is more dangerous than the influence of private interest in public affairs; the abuse of the laws by the government, being a less evil than the corruption of the legislature; which is infallibly the consequence of its being governed by particular views. For in that case, the state being essentially altered, all reformation becomes impossible. A people who would not abuse the power of government, would be no more propense to abuse their independence; and a people who should always govern well, would have no occasion to be governed at all.

To take the term in its strictest sense, there never existed, and never will exist, a real democracy in the world. It is contrary to the natural order of things, that the majority of a people should be the governors, and the minority the governed. It is not to be conceived that a whole people should remain personally assembled to manage the affairs of the public; and it is evident, that no sooner are deputies or representatives appointed, than the form of the administration is changed.

It may be laid down indeed as a maxim, that when the functions of government are divided among feveral courts, that which is composed of the fewest persons will, sooner or later, acquire the greatest authority: though it were for no other reason than the felicity with which it is calculated to expedite affairs.

Such a form of government supposes, also, the concurrence of a number of circumstances rarely united. In the first place, it is requisite that the state itself should be of small extent, fo that the people might be easily affembled and all personally known to each other. Secondly, the fimplicity of their manners should be such, as to prevent a multiplicity of affairs, and perplexity in discussing them: And thirdly, there should subsist a great degree of equality between the rank and fortunes of individuals; without which there cannot exist long any equality between them in point of right and authority. Laftly, there should be little or no luxury; for luxury must either be the effect of wealth, or it must make it necessary: it corrupts at once both rich and poor; the one by means of the possession of wealth, and the other by means of the want of it. Luxury makes a facrifice of patriotism to indolence and vanity; it robs a state of its citizens, by subjecting them to each other, and by subjecting all to the influence of public prejudice.

It is for this reason that a certain celebrated author hath laid down virtue as the first principle of a republican government: for all these circumstances cannot concur without the existence of public virtue. For want, however, of making proper distinctions, this great genius

hath been led into frequent mistakes, as well as want of precision; not having observed, that, the sovereign authority being every where the same, the same principle must take place in every well constituted state; though, it is true, in a greater or less degree, according to the form of government.

To this it may be added, that no government is so subject to civil wars and intestine commotions as that of the democratical or popular form; because no other tends so strongly and so constantly to alter, nor requires so much vigilance and fortitude to preserve it from alteration. It is, indeed, in such a constitution particularly that the citizen should always be armed with sorce and constancy, and should repeat every day, in the sincerity of his heart, the saying of the virtuous Palatine *. Mala periculosam libertatem quam quietum servitium.

Did there exist a nation of gods, their government would doubtless be democratical; it is too perfect a form, however, for mankind.

CHAP. V.

Of an Aristocracy.

IN this form of government exists two moral persons, very palpably distinct, viz. the administration and the sovereign; which of course possess two general wills, the

^{*} The Palatine of Poinania, father of the King of Poland, Duke of Lorrain.

one regarding the citizens univerfally, the other the members of the administration. Thus, although the government may regulate the interior police of the state as it pleases, it cannot address the people but in the name of the sovereign, that is to say, the people themselves; which is a circumstance never to be omitted. The primitive societies of mankind were governed aristocratically. The heads of families deliberated among themselves concerning public affairs; the young people readily submitting to the authority of experience. Hence the names of Priests, the Fathers, the Senate, &c. The savages of North America are governed in the same manner to this day, and are extremely well governed.

But, in proportion as the inequality arising from social institutions prevailed over natural inequality, riches and power were preferred to age*, and the aristocracy became elective. At length power, transmitted with property from father to son, making whole families patrician, rendered the government hereditary, and boys of twenty became senators.

Aristocracy therefore is of three kinds; natural, elective, and hereditary. The first is applicable only to the most simple state of society, while the last is the worst of all kinds of government. The second is the best; and is what is most properly denominated an aristocracy.

Besides the advantage of the above-mentioned distinction, this form hath also that of the choice of its members. In a popular government, all the citizens are

It is evident that the term OPTIMATES, among the ancients, did not mean the best, but most powerful.

born magistrates: but in this the number of the latter are very limited, and they become such only by election *; a method by which their probity, their talents, their experience, and all those other reasons for preference in the public esteem, are an additional security that the people shall be wisely governed.

Again, their public assemblies are attended with more decorum; affairs of state are more regularly discussed, and business executed with greater order and expedition; while the credit of the state is better supported, in the eyes of foreigners, by a select number of venerable senators, than by a promiseuous or contemptible mob.

In a word, that order would be undoubtedly the best and most natural, according to which the wise and experienced sew direct the multitude, were it certain that the sew would in their government consult the interest of the majority governed, and not their own. It is absurd to multiply the springs of action to no purpose, or to employ twenty thousand men in doing that which an hundred properly selected would effect much better.

With regard to the particular circumstances requisite to this form of government; the state should not be so small, nor the manners of the people so simple or so virtuous, as that the execution of the laws should coincide with the public will, as in a well-founded democracy.

It is of great importance to regulate by law the method of chusing magistrates; for, in leaving this to the prince, it is impossible to avoid falling into an hereditary aristocracy, as happened to the republics of Venice and Berne. Hence the first has been long since dissolved, but the second hath been supported by the great prudence of the Senate. This is an exception, however, as dangerous honourable.

On the other hand also, the state should not be so extensive that the governors, distributed up and down its provinces, might be able to render themselves, each in his separate department, independent of the sovereign.

But if an aristocracy requires fewer virtues than a popular government; there are yet some which are peculiar to it; such as moderation in the rich, and content in the poor: an exact equality of condition would in such a government be quite improper; nor was it observed even at Sparta.

If a certain degree, however, of inequality in the fortunes of the people be proper in such a government, the reason of it is, that in general the administration of public affairs ought to be put into the hands of those persons who can best devote their time to such service. No, as Aristotle pretends, that the rich ought always to be preferred merely on account of their wealth. On the contrary, it is very necessary that an opposite choice should sometimes teach the people, that there exists other motives of preference much more important than riches.

CHAP. VI.

On Monarchy.

HITHERTO we have confidered the prince as a moral and collective personage, formed by the force of the way, and as the depository of the executive power of the

the state. At present it is our business to consider this power as lodged in the hands of a physical personage or real man, possessed of the right of exerting it agreeable to the laws. Such a person is denominated a monarch or king.

In other administrations it is common for a collective body to represent an individual being; whereas in this an individual is, on the contrary, the representative of a collective body; so that the moral unity which constitutes the prince, is at the same time a physical unity, in which all the faculties which the law combines in the former are combined naturally in the latter.

Thus the will of the people and that of the prince, together with the public force of the state, and the particular force of the government, all depend on the fame principle of action: all the springs of the machine are in the fame hand, are exerted to the fame end; there are no opposite motions counteracting and destroying each other; nor is it possible to conceive any species of government in which the least effort is productive of so great a quantity of Archimedes, fitting at his case on the shore, and action. moving about a large veffel on the ocean at pleafure, reprefents to my imagination an able monarch fitting in his cabinet, and governing his distant provinces, by keeping every thing in motion, while he himself feems immovable. But, if no other kind of government hath fo much activity, there is none in which the particular will of the individual is so predominant. Every thing, it is true, proceeds towards the fame end; but this end is not that of public happiness; and hence the force of the adminigration nistration operates incessantly to the prejudice of the

Kings would be absolute; and they are sometimes told, that their best way to become so, is to make themselves beloved by the people. This maxim is doubtless a very fine one, and even in some respects true. But unhappily it is laughed at in courts. That power which arises from the love of the people is without doubt the greatest: but it is fo precarious and conditional, that princes have never been fatisfied with it. Even the best kings are defirous of having it in their power to do ill when they pleafe, without losing their prerogatives. It is to no purpose, that a declaiming politician tells them. that the strength of the people being theirs, it is their greatest interest to have the people flourishing, numerous, and respectable: they know that this is not true. Their personal and private interest is, in the first place, that the people should be fo weak and miserable as to be incapable of making any resistance to government. I confess indeed, that, supposing the people to be held in perfect subjection, it would be to the interest of the prince that they should be rich and powerful, because their strength, being also his, serves to make him respectable to his neighbours; but as this interest is only secondary and subordinate, and that these suppositions are incompatable, it is natural for princes to give the preference always to that maxim which is the most immediately useful. This is what Samuel hath represented very forcibly to the Hebrews; and Machiavel hath made evident to a demonstration. In affecting to give instructions to kings,

he hath given the most striking lessons to the people: His book entitled The Prince, is particularly adapted to the fervice of republics.

We have already shewn, from the general relations of things, that a monarchy is fuitable only to great states: and we shall be more particularly convinced of it, on a further examination. The more numerous the members of the public administration, the more is the relation between the prince and the subjects diminished, and the nearer it approaches to nothing, or that point of equality which fubfifts in a democracy. This relation increases in proportion as the government is contracted; and arrives at its maximum when the administration is in the hands of a fingle person. In this case, then, there is too great a distance between the prince and people, and the state is void of connection. To supply its place, therefore, recourse is had to the intermediate ranks of people. Hence the feveral orders of nobility. But nothing of this kind is fuitable to a small state, to which these different ranks are very destructive.

If the good government of a state be a matter of difficulty under any mode of administration, it is more particularly so in the hands of a single person; and every body knows the consequences when a king reigns by substitutes.

Again, there is one effential and unavoidable defect, which will ever render a monarchical government inferior to a republic; and this is, that in the latter, the public voice hardly ever raises unworthy persons to high posts in the administration; making choice only of men

of knowledge and abilities, who discharge their respective functions with honour: whereas those who generally make their way to such posts under a monarchical government, are men of little minds and mean talents, who owe their preferment to the meritricious arts of flattery and intrigue. The public are less apt to be deceived in their choice than the prince; and a man of real merit is as rarely to be found in the ministry of a king, as a blockhead at the head of a republic. Thus, when by any fortunate accident a genius born for government takes the lead in a monarchy, brought to the verge of ruin by such petty rulers, the world is amazed at the resources he discovers, and his administration stands as a single epoch in the history of his country.

To have a monarchical flate well governed, it is requifite that its magnitude or extent should be proportioned to the abilities of the regent. It is more easy to conquer than to govern. By means of a lever fufficiently long, it were possible with a fingle finger to move the globe; but to support it, requires the shoulders of an Hercules. When a state may with any propriety be denominated great, the prince is almost always too little. And when, on the contrary, it happens, which however is very feldom, that the state is too little for its regent, it must be ever ill-governed; because the chief, actuated by the greatness of his own ideas, is apt to forget the interest of his people, and makes them no lefs unhappy from the abuse of his superfluous talents, than would another of a more limited capacity for want of those talents which should be necessary. It is thence requisite, that a king-

dom should, if I may so say, contract and dilate itself. on every fuccession, according to the capacity of the reigning prince: whereas the abilities of a fenate being more fixed, the state, under a republican government, may be confined or extended to any determinate limits, and the administration be equally good. The most palpable inconvenience in the government of a fole magistrate, is the default of that continued succession, which, in the two other kinds, forms an uninterrupted connection in the state. When one king dies, it is necessary to have another; but when kings are elective, fuch elections form very turbulent and dangerous intervals; and unless the citizens are possessed of a disinterestedness and integrity. incompatible with this mode of government, venality and corruption will necessarily have an influence over them. It is very rare that he, to whom the state is fold, does not fell it again in his turn, and make the weak repay him the money extorted from him by the strong. Every one becomes fooner or later, venal and corrupt, under fuch an administration: while even the tranquility, which is enjoyed under the kings, is worfe than the diforder attending their interregnum.

To remedy these evils, crowns have been made hereditary, and an order of succession hath been established, which prevents any disputes on the death of kings: that is to say, by substituting the inconvenience of regencies to that of elections, an apparent tranquility is preserved to a wise administration; and it is thought better to run the risk of having the throne supplied by children, monsters, and idiots, than to have any dispute about about the choice of good kings. It is not considered, that, in exposing a state to the risk of such an alternative almost every chance is against it.

Almost every thing conspires to deprive a youth educated to the command over others, of the principles of reason and justice. Great pains, it is said, are taken to teach young princes the art of reigning; it does not appear, however, that they profit much by their education. It would be better to begin by teaching them subjection. The greatest monarchs that have been celebrated in history, are those who were not educated to govern. This is a science of which those know least who have been taught the most, and is better acquired by studying obedience than command. Nam utillissimus idem ac brevissimus bonarum malarumque rerum delectus, cogitare quid aut nolueris sub alio principe aut volueris.

A consequence of this want of coherence, is the inconstancy of regal government, which is sometimes pursued on one plan, and fometimes on another, according to the character of the prince who governs, or of those who hold the reins of administration for him; fo that its conduct is as inconfistent as the object of its pursuit is wavering. It is this inconstancy which keeps the state ever fluctuating from maxim to maxim, and from project to project; an uncertainty which does not take place in other kinds of government, where the prince is always the fame. Thus we fee, in general, that if there be more cunning in a court, there is more true wisdom in a fenate; and that republics accomplish their ends, by means more constant and better perfued: while on the Vol. III. contrary, contrary, every revolution in the ministry of a court produces one in the state; it being the constant maxim with all ministers, and almost with all kings, to engage in measures directly opposite to those of their immediate predeceffors. Again, it is from this very incoherence that we may deduce the folution of a fophism very common with regal politicians; and this is not only the practice of comparing the civil government of fociety to the domestic government of a family, and the prince to the father of it (an error already exposed), but also that of liberally bestowing on the reigning magistrate all the virtues he stands in need of, and of supposing the prince always fuch as he ought to be. With the help of this supposition indeed, the regal government is evidently preferable to all others, because it is incontestably the strongest; and nothing more is required to make it also the best, than that the will of the prince should be conformable to the general will of the people.

But if, according to Plato, the king by nature is so very rare a personage, how seldom may we suppose nature and fortune hath concurred to crown him? If a regal education also necessarily corrupts those who receive it, what hopes can we have from a race of men thus educated? It is a wilful error, therefore, to consound a regal government in general with the government of a good king. But, to see what this species of government is in itself, it must be considered under the direction of weak and wicked princes; for such they generally are when they come to the throne, or such the throne will make them. These difficulties have not escaped the notice of some writers,

writers, but they do not feem to have been much embarraffed by them. The remedy, fay they, is to obey without murmuring. God fends us bad things in his wrath,
and we ought to bear with them as chastifements from on
high. This way of talking is certainly very edifying;
but I conceive it would come with greater propriety from
the pulpit, than from the pen of a politician. What
should we say of a physician who might promise miracles,
and whose whole art should consist in preaching up patience and resignation? It is obvious enough that we must
bear with a bad government, when we live under it; the
question is to find a good one.

CHAP. VII.

Of mixed governments.

THERE is no fuch thing, properly speaking, as a simple government. Even a sole chief must have inferior magistrates, and a popular government a chief. Thus, in the distribution of the executive power, there is always a gradation from the greater number to the less; with this difference, that sometimes the greater number depends on the less, and at others the less on the greater.

Sometimes indeed the distribution is equal, either when the constituent parts depend mutually on each other, as in the English government; or when the authority of each part is independent, though imperfect, as in Poland. This last form is a bad one, because there is no union in fuch a government, and the feveral parts of the state want a due connection.

It is a question much agitated by politicians; Which is best, a simple or a mixed government? The same anfwer, however, might be given to it, as I have before made to the like question concerning the forms of government in general.

A fimple government is the best in itself, though for no other reason than that it is simple. But when the executive power is not fufficiently dependent on the legiflative, that is to fay, when there is a greater disproportion between the prince and the fovereign, than between the the people and the prince, this defect must be remedied by dividing the government; in which case all its parts would have no less authority over the subject, and yet their division would render them collectively less powerful to oppose their fovereign.

The same inconvenience is prevented also by establishing a number of inferior magistrates, which tend to preferve a balance between the two powers, and to maintain their respective prerogatives. In this case, however, the government is not properly of a mixed kind; it is only moderated.

The like means may also be employed to remedy an opposite inconvenience, as when a government is too feeble, by erecting of proper tribunals to concentrate its force. This method is practifed in all democracies. In the first case, the administration is divided in order to weaken it, and in the fecond, to enforce it: for a maximum both of strength and weakness is equally common to

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simple governments, while those of mixed forms always give a mean proportional to both.

CHAP. VIII.

That every form of government is not equally proper for every country.

AS liberty is not the produce of all climates, so it is not alike attainable by all people. The more one reslects on this principle, established by Montesquieu, the more sensible we become of its truth. The more it is contested, the more we find it confirmed by new proofs.

Under every kind of government, the political perfonage, the Public, confumes much, but produces nothing. Whence then doth it derive the fubstance confumed? Evidently from the labour of its members. It is from the superfluity of individuals that the necessities of the public are provided. Hence it follows, that a social state cannot subsist longer than the industry of its members continues to produce such superfluity.

The quantity of this superfluity, however, is not the same in all countries. It is in many very considerable, in some but moderate, in others null, and again in others negative. The proportion depends on the fertility of the climate, the species of labour required in the cultivation of the soil, the nature of its produce, the strength of its inhabitants, the consumption necessary to their subsistence, with many other similar circumstances.

On the other Mand, all governments are not of the fame nature; some devour much more than others; and their difference is sounded on this principle, viz. that the farther public contributions are removed from their source, the more burthensome they grow. It is not by the quantity of the imposition that we are to estimate the burthen of it, but by the time or space taken up in its returning back to the hands from which it is exacted. When this return is quick and easy, it matters little whether such imposition be small or great; the people are always rich, and the sinances in good condition. On the contrary, however low a people be taxed, if the money never returns, they are sure by constantly paying to be soon exhausted; such a state can never be rich, and the individuals of it must be always beggars.

It follows hence, that the farther the people are removed from the feat of government, the more burthenfome are their taxes: thus in a democracy their weight is least felt; in an aristocracy they fall more heavy; and in a monarchical state they have the greatest weight of all. Monarchy, therefore, is proper only for opulent nations; aristocracy for middling states; and democracy for those which are mean and poor.

In fact, the more we reflect on this circumstance, the more plainly we perceive the difference in this respect between a monarchical and a free state. In the latter, all its force is exerted for the public utility; in the former, the public interest of the state and the private interest of the prince are reciprocally opposed, the one increasing by the decrease of the other. In a word, instead of govern-

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ing subjects in such a manner as to make them happy, despotism makes them miserable, in order to be able to govern them at all.

Thus may we trace in every climate those natural causes, which point out that particular form of government which is best adapted to it, as well as even the peculiar kind of people that should inhabit it. Barren and ungrateful foils, whose produce will not pay for the labour of cultivation, would remain uncultivated and uninhabited; or, at best, would be peopled only with favages. Those countries from which the inhabitants might draw the necessaries of life, and no more, would be peopled by barbarians, among whom the establishment of civil polity would be impossible. Such places as might yield to their inhabitants a moderate superfluity, would be best adapted to a free people: while the country where fertile plains and plenteous vales more bounteoufly reward the labours of the cultivator, would best fuit with a monarchical form of government, in order that the luxury of the prince might confume the fuperfluity of the subjects; for it is much better that this superfluity should be expended by government than disfipated by individuals. I am not infenfible that fome exceptions might be made to what is here advanced; these very exceptions, however, ferve to confirm the general rule, in that they are fooner or later constantly productive of revolutions, which reduce things to their natural order.

We should always make a distinction between general laws, and those particular causes which may diversify

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their effects. For, though the fouthern climates should be actually filled with republics, and the northern with despotic monarchies, it would be nevertheless true in theory, that so far as climate is concerned, despotism agrees best with an hot, barbarism with a cold, and good polity with a temperate region. I am aware farther, that, even granting the principle, the application of it may be disputed. It may be said, that some cold countries are very fertile, while others more warm and southern are very barren. This objection, however, hath weight only with such as do not examine the matter in every point of view. It is requisite to take into consideration, as I before observed, the labour of the people, their strength, their consumption, with every other circumstance that affects the point in question.

Let us suppose two countries of equal extent, the proportion of whose product should be as five to ten. It is plain that, if the inhabitants of the first consume four, and of the latter nine, the superfluity of the one would be one-fourth, and that of the other one-ninth. Their different superfluities being also in an inverse ratio to that of their produce, the territory whose produce should amount only to five, would have near double the superfluity of that which should amount to ten.

But the argument does not rest upon a double produce; nay, I doubt whether any person will place the actual sertility of cold countries in general, in a bare equality with that of warmer climates. We will suppose them, however, to be in this respect simply equal; setting England, for instance, on a balance with Sicily, and Poland

Poland with Egypt. Still farther to the South we have Africa and the Indies, and to the North, hardly any thing. But to affect this equality in the produce, what a difference in the labour of cultivation! In Sicily they have nothing more to do than barely turn up the earth: in England agriculture is extremely toilfome and laborious. Now, where a greater number of hands is required to raife the same produce, the superfluity must necessarily be less.

Add to this, that the same number of people consume much less in a warm country than in a cold one. An hot climate requires men to be temperate, if they would preserve their health. Of this the Europeans are made fensible, by seeing those who do not alter their manner of living in hot countries, daily carried off by dyfenteries and indigertion. Chardin represents us as beafts of prey, as mere wolves, in comparison of the Asiatics; and thinks those writers mistaken, who have attributed the temperance of the Persians to the uncultivated state of their country. His opinion is, that their country was fo little cultivated, because the inhabitants required so little for their sublistence. If their frugality were merely the effect of the barrenness of their country, he observes, it would be only the poorer fort of them that should eat little: whereas their abstinence is general. Again, they would in fuch case be more or less abstemious in different provinces, as those provinces differed in degrees of sterility; whereas their fobriety is general, and prevails equally throughout the kingdom. He tells us, also, that the Persians boast much of their manner of living; pretending tending their complections only to be a sufficient indication of its being preferable to that of the Christians. At the same time he admits, that their complections are very fine and smooth; that their skin is of a soft texture, and polished appearance; while, on the other hand, the complection of the Armenians their subjects, who live after the European manner, is rough and pimply, and their bodies gross and unwieldly.

The nearer we approach to the line, it is certain, the more abstemious we find the people. They hardly ever eat meat; rice and maize are their ordinary food. There are millions of people in the Indies, whose substituted does not amount to the value of a penny a day. We see even in Europe, a very sensible difference, in this respect, between the inhabitants of the North and South. A Spaniard will substit a whole week on what a German would eat up at a single meal. In countries where the people are voracious, even luxury hath a tendency to consumption. Thus in England it displays itself in the number of dishes and quantity of solid meat on the table; while in Italy, a repast is furnished out with sweetmeats and slowers.

The luxury of dress presents us also with similar differences. In climates, where the change of the weather is sudden and violent, the people wear better and plainer cloathes; while in those where the inhabitants dress only for ornament, brilliancy is more consulted than use. Even clothes themselves are an article of luxury, Thus at Naples, you will daily see gentlemen walking about in laced clothes, without stockings. It is the same with regard regard to buildings: magnificence only is confulted, where nothing is to be feared from the inclemencies of the weather. At Paris and London, people are defirous of warm and commodious apartments. At Madrid, they have superb saloons, but no sashes nor casements; and their beds lie open to the rats that harbour in the roof.

The aliment is also more substantial and nourishing in hot countries than in cold; this is a third difference that cannot fail to have an influence over the fecond. Wherefore is it that the Italians eat fuch a quantity of vegetables? Because they are good, and of an excellent savour. In France, where they are themselves nourished chiefly by water, they are less nutritive, and are held of little confequence. They occupy nevertheless as much ground, and cost as much pains to cultivate them. It hath been experimentally proved, that the corn of Barbary, in other respects inferior to that of France, gives a greater quantity of meal, and that the French corn yields still more than that of the North. Hence it may be inferred, that a fimilar gradation is carried on in the fame direction from the line to the pole. Now, is it not an evident difadvantage to have, in an equal produce, a less quantity of aliment?

To all these different cousiderations I may add another, which arises from, and serves to confirm them: this is, that hot countries require sewer inhabitants than the cold, and yet afford subsistence for more: a circumstance that causes a two-fold superfluity, always to the advantage of despotism. The more the same number of people are distributed over the sace of a large territory, the more difficult

difficult becomes a revolt; as they cannot meet together fo readily or fecretly, and it is always eafy for the government to cut off their affociations, and ruin their projects. On the other hand, the more a numerous people are collected together, the less can the government assume over the fovereign; the chiefs of a faction may deliberate as fecurely at their meetings, as the prince in his council: and the mob are as readily affembled in the public squares, as the troops in their quarters. It is the advantage of a tyrannical government, therefore, to act at great difsances: its force increasing with the distance, like that of a lever*, by the affiftance of a proper center. That of the people, on the contrary, acts only by being concentrated; it evaporates and lofes itself when dilated, even as gunpowder scattered on the ground, takes fire, particle by particle, and is productive of no effect. Countries thinly inhabited are the most proper places for tyrants; wild beafts reign only in defarts.

This doth not contradict what is advanced in Chap. ix. Book II. concerning the inconvenience of great states; the matter in question there being the authority of the government over its members, and here of its influence over the subjects. Its members scattered about in different places, serve as points of support to enable it to act at a distance on the people; but it hathno such props to assist its action on its members themselves. Thus in one case the length of the lever is the cause of its strength, and in the other of its weakness.

CHAP. IX.

Of the marks of a good government.

WHEN it is asked, therefore, in general terms, What is the best form of government? the question is as indeterminate as unanswerable; or rather it may be reasonably answered as many different ways as there are possible combinations of the absolute and relative circumstances of a people.

But if it be asked, By what signs may it be known whether any given people are well or ill governed? this is quite another thing; and the question, as to the fact, is to be resolved.

This question, however, is never actually resolved, because every one is for doing it after his own manner. The subject cries up the public tranquillity, the citizen the liberty of individuals; the one prefers the security of property, the other that of his person; the one maintains the best government to be the most severe, the other affirms that to be best which is most agreeable; the latter is for punishing crimes, the former for preventing them; the one thinks it a fine thing to be dreaded by his neighbours, the other thinks it better to be unknown to them; the one is satisfied if money does but circulate, the other requires the people should have bread. Were they even agreed also on these and other similar points, they would not be much nearer the end of the dispute. Moral quantities are deficient in point of precision; so that, were

men agreed on the fign, they would still differ about its estimation.

For my part, I am aftonished that a fign so very simple should be mistaken, or that any should be so disingenuous as not to acknowledge it. What is the end of political fociety? doubtless the prefervation and prosperity of its And what is the most certain fign or proof of members. these? certainly it is their number and population. Let us not look elsewhere, then, for this disputed proof; fince it is plain, that government must be the best, under which the citizens increase and multiply most, supposing all other circumstances equal, and no foreigners naturalized or colonies introduced to cause such increase; and that, on the contrary, that government must be the worst, under which, cateris paribus, the number of people should diminish. This being admitted, the decision of the question becomes an affair of calculation *, and as fuch I give it up to the arithmeticians.

CHAP.

^{*} It is on the same principle that we ought to judge of the several periods of time that deserve the preserence, in being distinguished for the prosperity of mankind. We have in general too much admired those in which literature and the sine arts have flourished, without penetrating into the secret cause of their cultivation, or duly considering their state effects; idque apud imperitos humanitas vocabatur, cum pars servitutis effet. Shall we never be able to see, through the maxims laid down in books, the interested motives of their authors?—No; let writers say what they will, whenever the inhabitants of a country decrease, it is not true that all things go well, whatever be its external prosperity and splendour: A poet possessed of an hundred thousand livers a-year, does not necessarily make the age he lives in the best of all others. We should not so much regard the apparent repose of the world, and the tranquillity of its chiefs, as the well-being of whole nations, and particularly of the most populous states. A storm of hall may lay waste some few provinces, but it teldom causes a famine. Temporary tunnults and civil wars may give much disturbance to rulers; but they

CHAP. X.

Of the abuse of government, and its tendency to degenerate.

AS the particular will of the prince acts constantly against the general will of the people, the government necessarily makes a continual effort against the sovereignty. The greater this effort is, the more is the constitution altered; and as in this case there is no other distinct will to keep that of the prince in equilibrio, it must sooner or later infallibly happen, that the prince will oppress the sovereign, and break the social compact. This is an inherent and unavoidable defect, which, from the very birth of the political body, incessantly tends to its dissolution, even as old age and death tends to the dissolution of the natural body.

There are two general methods according to which a

they do not constitute the real misfortunes of a people, who may even enjoy some respite, while they are disputing who shall play the tyrant over them. It is from their permanent situation that their real prosperity or calamity must arise: when all submit tamely to the yoke, then it is that all are perishing; then it is that their chiefs, destroying them at their ease, who solitionem faciunt paccem appellant. When the intrigues of the nobility agitated the kingdom of France, and the coadjutor of Paris carried a poignard in his pocket to parliament, all this did not hinder the bulk of the French nation from growing numerous and enjoying themselves in happiness and ease. Ancient Greece flourished in the midst of the most cruel wars; human blood was spilt in torents, and yet the country swarmed with inhabitants. It appears, says Machiavel, that, in the midst of munders, proscriptions, and civil wars, our republic became only the more powerful: the virtue of the citizens, their manners, their independence, had a greater effect to strengthen it, than all its diffentions had to weaken it. A little agitation gives vigour to the mind; and liberty, not peace, is the real source of the prosperity of our species.

government degenerates; viz. when it contracts itself, or when the state is dissolved. The government contracts itself, when its members are reduced from a great number to a few; that is to say, from a democracy to an aristocracy, and from an aristocracy to a royalty. This is its natural tendency *. Should it make a retrogressive change, by having the number of its members increased,

The flow formation and progress of the republic of Venice, present a notable example of this succession; and it is very surprising, that in the space of 1200 years the Venetians should be got no farther than to the second term, which began in the year 1198. With regard to the ancient dukes, with which their constitution is reproached, it is certain, whatever some writers may say, that they were not sovereigns.

The Roman republic will, doubtless, be made an objection, as having taken a contrary route, in its progress from monarchy to aristocracy, and from aristocracy to democracy. I am, however, far from thinking this was the real case.

The first establishment of Romulus was a mixed government, which degenerated presently into despotism. From very particular causes the state perished before its time, as a new-born infant before it attained the age of manhood. The expulsion of the Tarquins, was the true æra of the rife of that republic; although it did not assume at first a determinate form, because the work was but half done in not having abolished the order of patricians. For hence, an hereditary ariflocracy, the worst of all administrations, acting in opposition to the democracy, the form of government remained indeterminate; not being fixed, as Machiavel observes, till the establishment of tribunes; when, and not before, it was a real government under the form of a true democracy. In fact, the people were then not only fovereign, but also magistrate and judge; the senate being a tribunal of an inferior order, formed to temper and correct the government; while even the confuls themselves, although patricians, first magistrates, and, as generals, absolute in the field, yet at Rome they were only prefidents of the affemblies of the people.

From this time it is evident the government followed its natural bias, and tended strongly toward aristocracy. The partrician order dying away of itself, the aristocracy subsisted no longer in the members of that body, as at Venice and Genoa, but in the body of the senate composed of Patricians and Phebeians, and even in the body of tribunes when they began to usurp an active power. For words make no alteration in things. When the people have chiefs who govern in their stead, whatever denomination be given to those chiefs, the government is always an aristocracy. From the abuse of the aristocratical form, arose the civil wars and the triumvirate. Sylla, Julius Cæsar, and Augustus, indeed became real monarchs, and at length under the despotism of Tiberius the state was finally dissolved. The Roman history, therefore, doth not tend to disprove my principle, but to confirm it.

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it might be faid to relax or dilate itself; but this inverse progress is impossible.

In fact, a government never changes its form, except its spring of action be too much worn to support its own. Now, if it relaxes still more by being extended, its force becomes absolutely nothing, and is still less capable of supporting itself. It is necessary therefore to wind up and renew such spring in proportion as it gives way; otherwise, the state it is intended to support, must necessarily fall.

The diffolution of the state indeed may happen two ways. First, when the prince does not govern according to law, but arrogates the sovereign power to himself: in which case he effects a remarkable change, whereby not the government, but the state itself is contracted. What I mean to say is, that the great state is thence dissolved, and that he forms another within it, composed only of the members of the government, who are only the masters and tyrants over the rest of the people. So that when the government usurps the sovereignty, at that instant the Social Compact is broken, and the individuals, who were eitizens before, are restored to the rights of natural liberty, and are compelled, not legally obliged, to obedience.

It is the same thing when the members of government assume separately the power they are entitled to exercise only collectively; which is no less an infringement of the laws, and is productive of still worse consequences. For, in this case, there may be said to be as many princes as magistrates; while the state, no less divided than the government, is totally dissolved, or changes its form.

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When the state is dissolved, the abuse of government, of whatever nature it be, takes the common name of anarchy. To distinguish more nicely, democracy is said to degenerate into ochlocracy; aristocracy into oligarchy; and I may add, monarchy into tyranny: but this last term is equivocal, and requires some explanation. In the vulgar sense of the word, a tyrant is a king who governs by sorce, and without regard to justice or the laws. In the more precise and determinate sense, it means any individual who assumes the royal authority, without having a right to it. In this latter sense the Greeks understood the word tyrant; and give it indiscriminately both to good and bad princes whose authority was not legal*. Thus, tyrant and usurper are two words perfectly synonimous.

To give different names, however, to different things, I call the usurpation of regal authority tyranny, and that of sovereign power despotism. The tyrant is he who takes upon himself, contrary to law, to govern according to law; and the despotic chief, one who places himself above the laws themselves. Thus a tyrant cannot be despotic, though a despotic prince must always be a tyrant.

^{*} Omnes enim et habentur et dicuntur tyranni, qui potestate utuntur perpatua, in ea civitate quæ libertate usa est. Corn. Nepos. in Miltiade. It is true that Aristotle makes a distinction between the tyrant and king, in that the one governs for his own good, and the other for the good of his subjects: but besides that all the Greek writers use the word tyrant in a different sense, as appears particularly by the Hieron of Xenophon, it would follow from Aristotle's distinction that no king ever existed on the face of the earth.

CHAP. IX.

Of the diffolution of the body-politic.

SUCH is the natural and unavoidable tendency of even the best constituted governments. If Rome and Sparta perished, what state can hope to last for ever? In our endeavours to form a durable establishment, we must not think therefore to make it eternal. If we would hope to succeed, we must not attempt impossibilities, nor stater ourselves to give that permanency to human institutions, which is incompatible with their nature.

The politic body, as well as the physical, begins to die at its birth, and bears in itself the causes of its destruction. Both, however, may posses a constitution more or less robust, and adapted to different periods of duration. The constitution of man is the work of nature; that of the state, is the work of art. It doth not depend on men to prolong their lives; but it depends on them to prolong that of the state as much as possible, by giving it a constitution the best adapted to longevity. The most perfect constitution, it is true, will have an end, but still so much later than others, if no unforeseen accident bring it to an untimely dissolution.

The principle of political life lies in the fovereign authority. The legislative power is the heart of the state; the executive is the brain, which puts every part in motion. The brain may be rendered useless by the palsy, and yet the individual survive. A man may become an

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insensible driveller, and yet live: but as soon as the heart ceases to beat, the animal is dead.

The state doth not subsist by virtue of the laws, but by the legislative power. The statutes of yesterday are not in themselves necessarily binding to-day, but the tacit confirmation of them is presumed from the silence of the legislature, the sovereign being supposed incessantly to confirm the laws not actually repealed. Whatever is once declared to be the will of the sovereign, continues always so, unless it be abrogated.

Wherefore, then, is there so much respect paid to ancient laws? Even for this reason. It is rational to suppose, that nothing but the excellence of the ancient laws could preserve them so long in being; for that, if the sovereign had not found them always salutary and useful, they would have been repealed.

Hence we see, that the laws, instead of losing their force, acquire additional authority by time in every well formed state; the prepossession of their antiquity renders them every day more venerable; whereas, in every country where the laws grow obsolete, and lose their force as they grow old, this alone is a proof that the legislative power itself is decayed, and the state extinct.

CHAP. XII.

By what means the sovereign authority is maintained.

THE fovereign, having no other force than the legislative power, acts only by the laws; while the laws being only only the authentic acts of the general will, the fovereign cannot act unless the people are affembled. The people affemble! you will say. What a chimera!—It is indeed chimerical at present; though it was not reckoned so two thousand years ago. Are mankind changed in their nature since that time?

The bounds of possibility in moral affairs are less confined than we are apt to imagine: It is our foibles, our vices, our prejudices, that contract them. Mean souls give no credit to the sentiments of heroic minds; while slaves affect to turn the notion of liberty into ridicule.

By what hath been done, however, we may judge of what may be done again. I shall not speak of the petty republics of ancient Greece; but the Roman republic was undoubtedly a great state, and the city of Rome a great city. By the last register of the citizens of Rome, their number amounted to four hundred thousand persons capable of bearing arms; and the last register of the empire amounted to more than four millions of citizens, without reckoning subjects, women, children, or slaves.

How very difficult, you will fay, must it have been, to assemble frequently the people of that capital and its environs? And yet hardly a week passed in which the Roman people were not assembled, and on some occasions several times a-week. This numerous body indeed not only exercised the functions of sovereignty, but also in some cases those of government. They sometimes diliberated on state-affairs, and at others decided in judicial causes; the whole people being publicly assembled almost as frequently in the capacity of magistrates as eitizens.

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By recurring to the primitive state of nations, we shall find that most of the ancient governments, even the monarchical, as that of Macedon and others, had the like popular assemblies. Be this, however, as it may, the fact being once incontestibly proved, obviates all difficulties; for, to deduce the possibility of a thing from its having actually happened, will admit of no objection.

CHAP. XIII.

The Subject continued.

IT is not enough, however, that the people once affembled should fix the constitution of the state, by giving
their fanction to a certain code or system of laws: it is
not enough that they should establish a perpetual government, or provide once for all by the election of magistrates. Besides the extraordinary assemblies, which unforeseen accidents may require, it is necessary they should
have certain fixed and periodical meetings, which nothing
might abolish or prorogue: so that the people should on
a certain day be legally summoned by law, without any
express statute being required for their formal convocation.

But, excepting these regular assemblies, rendered legal by the date, all others, unless convoked by the proper magistrate previously appointed to that end, agreeable to prescribed forms, should be held illegal, and all their determinations declared null and void, because the very

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manner of the people's affembling should be determined by law.

As to the frequency of legal affemblies, it depends on fo many different confiderations, that it is impossible to lay down any precise rules on this head. It can only be faid in general, that the more powerful the government, the more often ought the fovereignty to display itself.

All this, it may be faid, is very well for a fingle town or city; but what must be done in a state comprehending several cities? Must the sovereign authority be distributed, or ought it to centre in one to the total subjection of the rest?

I answer, Neither one nor the other. In the sirst place, the sovereign authority is simple and uniform, so that it cannot be divided without destroying it. In the next place, one city cannot be legally subject to another, any more than one nation to another; because the essence of the body-politic consists in the union of obedience and liberty, and in the terms subject and sovereign being those identical correlatives, the ideas of which are united in the single term citizen.

I answer farther, that it is fundamentally wrong, to unite several towns to form one city; and that such union being made, the natural inconveniences of it must ensue. The abuses peculiar to great states must not be made objections to the system of one, who maintains the exclusive propriety of little ones. But how, it will be said, can little states be made powerful enough to result the great?—Even as the cities of ancient Greece were able to result the arms of a powerful monarch; and as, in more

modern times, Switzerland and Holland have refisted the power of the house of Austria.

In cases, also, where the state cannot be reduced within proper bounds, there remains one resource; and this is by not permitting the existence of a capital, but removing the seat of government from one town to another, and assembling the states of the country in each alternately.

People a country equally in every part; diffuse the same privileges and advantages throughout; and the state will become at once the strongest and the best governed. Remember that the walls of cities are sounded on the ruins of the villages, and that the splendid palaces in town are raised at the expence of miserable cottages in the country.

CHAP. XIV.

Subject continued.

NO fooner are the people legally affembled, in a fovereign body, than the jurisdiction of government ceases,
the executive power of the state is suspended, and the
person of the meanest citizen becomes as sacred and inviolable as the greatest magistrate; because when the
body represented appears, it is not requisite that the representatives of it should exist Most of the tumults
which happened in the Comitia at Rome, were owing
to the general ignorance or neglect of this rule. On
those occasions, the consuls were only presidents of the

affembly of the people, the tribunes merely orators*, and the fenate absolutely nothing.

These intervals of suspension, when the prince acknowledges, or at least ought to acknowledge, an actual superior, have been always formidable; and such assemblies which are the safeguards of the body-politic, and and serve as so many checks to administration, have always been a terror to the rulers; so that they have spared no pains in raising objections and difficulties, nor scupled making any fair promises to render the people averse to such meetings. When the latter, therefore, have been avaricious, mean, or cowardly, preferring their ease to liberty, they have not been able to withstand long the repeated efforts of government: and thus it is that, this encroaching power incessantly augmenting, the so-vereignty becomes totally extinct, and thus most cities come to an untimely end.

Sometimes, however, there is introduced between fovereign authority and arbitrary government, a mean term of power, of which it is necessary to treat.

CHAP. XV.

Of deputies or representatives.

WHEN the service of the public ceases to be the principle concern of the citizens, and they had rather dis-

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^{*} Nearly in the sense given to those who speak on any question in the parliament of England. The resemblance of their employments set the confuls and tribunes together by the ears, even when their jurisdiction was suspended.

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charge it by their purses than their persons, the state is already far advanced toward ruin. When they should march out to sight, they pay troops to sight for them, and stay at home. When they should go to council, they send deputies, and stay at home. Thus, in consequence of their indolence and wealth, they in the end employ soldiers to enslave their country, and representatives to betray it.

It is the bustle of commerce and the arts; it is the fordid love of gain, of luxury and ease, that thus convert personal into pecuniary services. Men readily give up one part of their profit, to encrease the rest unmolested. But supply an administration with money, and they will presently supply you with chains. The very term of taxes is slavish, and unknown in a free city. In a state truly free the citizens discharge their duty to the public with their own hands, and not by money. So far from paying for being exempted from such duty, they would pay to be permitted to discharge it themselves. I am very far from adopting received opinions, and think the services enacted by force a less infringement of liberty than taxes.

The better the constitution of a state, the greater influence have public affairs over private, in the minds of the citizens: they will have, also, much sewer private affairs to concern them; because the sum total of their common happiness, surnishing a more considerable portion to each individual, there remains the less for each to seek from his own private concerns. In a city well governed, every one is ready to fly to its public assemblies; under under a bad government, they are careless about going thither at all, because no one interests himself in what is doing there: it is known that the general will does not influence them, and hence at length domestic concerns engage all their attention. Good laws tend to the making better, while bad ones are introductory of worse. No sooner doth a citizen say, What are state-affairs to me? than the state may be given up for lost.

It is this want of public spirit, the influence of private interest, the extent of states, conquests and abuses in government, that have given rise to the method of assembling the people by deputies and representatives. The assembly of these representatives is called, in some countries, the third estate of the nation; so that the particular interests of the two orders are placed in the first and second rank, and the public interest only in the third.

The fovereignty, however, cannot be represented, and that for the same reason that it cannot be alienated. It consists essentially of the general will, and the will cannot be represented: it is either identically the same, or some other; there can be no mean term in the case. The deputies of the people, therefore, neither are nor can be their representatives; they are only mere commissioners, and can conclude on nothing. Every law that is not confirmed by the people in person is null and void; it is not in fact law. The English imagine they are a free people; they are however mistaken: they are such only during the election of members of parliament. When these are chosen, they become slaves again; and indeed they make

so bad a use of the sew transitory moments of liberty, that they richly deserve to lose it.

The notion of representatives is modern; descending to us from the seudal system, that most iniquitous and absurd form of government, by which human nature was so shamefully degraded. In the ancient republics, and even monarchies, the people had no representatives; they were strangers to the term. It is even very singular, that at Rome, where the Tribunes were so much revered, it was never imagined they could usurp the sunctions of the people; and as strange that they never once attempted it. One may judge, however, of the embarrassment sometimes caused by the multitude, by what happened in the time of the Gracchi, when part of the citizens gave their votes from their house-tops.

Where men value their liberty and privileges above every thing, inconveniences and difficulties are nothing. Among this wife people things were held in a proper estimation; they permitted the Lictors to do what they would not suffer the Tribunes to attempt; they were not afraid the Lictors would ever think of representing them.

To explain, nevertheless, in what manner these Tribunes did sometimes represent them, it will be sufficient to conceive how government represents the sovereign. The law being only a declaration of the general will, it is clear that the people cannot be represented in the legislative power; but they may, and ought to be, in the executive, which is only the application of power to law. And this makes it evident, that, if we examine things to the bottom, we shall find very sew nations that have any

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laws. But, be this as it may, it is certain that the Tribunes, having no part of the executive power, could not represent the Roman people by virtue of their office, but only in usurping those of the senate.

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Among the Greeks, whatever the people had to do, they did it in person; they were perpetually assembled in public. They inhabited a mild climate, were free from avarice, their slaves managed their domestic business, and their great concern was liberty. As you do not possess the same advantages, how can you expect to preserve the same privileges? Your climate being more severe, creates more wants *; for six months in the year your public squares are too wet or cold to be frequented; your hoarse voices cannot make themselves heard in the open air; you apply yourselves more to gain than to liberty, and are less assaid of slavery than poverty.

On this occasion, it will probably be asked me, if liberty cannot support itself without the assistance of slavery? Perhaps not. At least the two extremes approach very near. Whatever does not exist in nature, must have its inconveniences, and civil society still more than any thing else. There are some circumstances so critically unhappy, that men cannot preserve their own liberty but at the expence of the liberty of others; and in which a citizen cannot be free without aggravating the subjection of his slaves. Such was the situation of Sparta. As for you, ye moderns, you have no slaves; but are slaves yourselves, and purchase their liberty by your own.

To adopt in cold countries the luxury and effeminacy of the East, is to appear defirous of flavery, without having the fame excuse for submitting to it.

You may, if you please, boast of this preference; for my part, I find more meanness in it than humanity.

I do not intend, however, by this to inculcate that we should have slaves, or that it is equitable to reduce men to a state of slavery; having already proved the contrary. I am here only giving the reasons why certain modern nations who imagine themselves free, employ representatives, and why the ancients did not. But let this be as it will, I affirm, that when once a people make choice of representatives, they are no longer free.

Every thing duly considered, I do not see a possibility of the sovereign maintaining its rights, and the exercise of its prerogatives, for the suture among us, unless the state be indeed very small. But if it be so very small, will it not be liable to lose its independency; No. I will make it hereaster appear in what manner the exterior power of a great people may be united with the policy and good order of a little one.

CHAP. XVI.

That the institution of government is not a compact.

THE legislative power being once well established, we proceed to settle the executive power in the same manner: for the latter, which operates only by particular acts, being essentially different from the other, is naturally divided from it. If it were possible for the sovereign, confidered as such, to posses the executive power, the mat-

ter of right and fact would be so confounded, that we should be no longer able to distinguish what is law and what is not; the body-politic also being thus unnaturally situated, would soon become a prey to that violence, which it was originally instituted to correct.

The citizens being, by virtue of the Social Compact, all equal, that which all may perform, all may prescribe, whereas none can have a right to require another to do what he does not himself. Now it is properly this right, indispensibly necessary to animate and put the body-politic in motion, with which the sovereign invests the prince in the institution of government.

It has been pretended by some, that the act forming this institution was a contract between the people and the chiefs of which they made choice; a contract in which the two parties stipulated the conditions on which the one obliged themselves to command, and the other to obey. I am persuaded every one will agree with me, that this was a very strange mode of contract. But let me see whether this opinion is in itself well founded.

In the first place, the supreme authority can no more modify or alter its form, than it can alienate itself; to limit or restrain, would be to destroy it. It is absurd and contradictory to say the sovereign made choice of a superior: to oblige itself to obey a master, is to dissolve its own constitution, and restore its members to their natural liberty.

Again, it is plain that fuch a supposed contract between the people in general, and certain particular persons, would be a particular act; whence it follows, that it would would not be a law nor an act of fovereignty, and of confequence would be illegal.

It is farther evident, that the contracting parties would remain, respecting each other, simply under the laws of nature, without any security for the performance of their reciprocal engagements, a circumstance totally repugnant to a state of civil society. The party only who might have the power, could enforce the execution of the terms; so that we might as well give the name of a contract, to the act of a man who should say to another, "I give you my whole property, on condition that you will restore me just as much of it as you please."

There is but one compact in a state; and that is the act of association, which alone is exclusive of every other, as it is impossible to imagine any subsequent public contract which would not be a violation of the original.

CHAP. XVII.

Of the institution of government.

WHAT notion, then, are we to form of the act by which government is instituted? In answer to this question, I shall first remark, that this act is complicated, or composed of two others, viz. the establishment of the law, and execution of it.

By the first, the sovereign enacts that a government should be established in such or such a form; and it is clear, this being a general act, that it is a law.

By the second, the people name the chiefs who are to be charged with the administration of the government so established. Now this nomination, being a particular act, is not a second law, but only a consequence of the first, and in reality an act of government.

The difficulty lies in being able to comprehend how an act of government can take place before the government existed; and how the people, who must be always either sovereign or subjects, become prince or magistrate in certain circumstances.

We have here made a discovery of one of these astonishing properties of the body-politic, by which it reconciles operations apparently contradictory to each other; this act being effected by a sudden conversion of the sovereignty into a democracy: so that, without any sensible change, and only by means of a new relation of all to all the citizens, becoming magistrates, pass from general acts to particular ones, and from enacting laws to the execution of them.

This change of relation is not a matter of mere speculation, unexemplified in practice: it takes place very frequently in the parliament of England, where, among the commons, the whole house is formed, on certain occasions, into a committee, for the better inquiry into and discussion of the matter in hand; the members become mere commissioners of the sovereign court they constituted but a moment before. Agreeable to which, the enquiry being ended, they make a report to themselves, as the House of Commons, of their proceedings as a grand committee, and deliberate anew under the former Vol. III.

title on what they had already determined under the latter.

Such, indeed, is the peculiar advantage of a democratical government, that it is established in fact by the simple act of the general will. After which, this provisional government continues, if such be the intended form; or establishes, in the name of the sovereign, the form of government adopted by law; and thus every thing proceeds according to order. It is impossible to institute a government in any other legal manner, without renouncing the principles before established.

CHAP. XVIII.

Of the means of preventing the usurpations of government.

FROM the foregoing illustrations results the confirmation of what is asserted in the XVIth chapter, viz. that the act which institutes government is not a contract, but a law; that the depositories of the executive power are not the masters, but the fervants of the people; that the people may appoint or remove them at pleasure; that they have no pretence to a contract with the people, but are bound to obey them; and that in accepting the offices the state imposes upon them, they only discharge their duty as citizens, without having any fort of right to dispute the conditions.

When it so happens, therefore, that the people establish an hereditary government, whether monarchical, and confined fined to one particular family, or aristocratical, and divided among certain order of citizens, they do not enter thereby into any formal engagement; they only give the administration a provisional form, which remains legal till they think proper to change it.

It is certain that such changes are always dangerous; and that a government once established should not be meddled with, unless it be found incompatible with the public good; but this circumspection is a maxim of policy, and not a matter of right. The state, however, is no more bound to resign the civil authority into the hands of its magistrates or chiefs, than the military authority into those of its generals.

It is certain, also, that great care should be taken to observe all those formalities, which, in such a case, are requifite to diffinguish a regular and legal act from a feditious commotion; to distinguish between the general will of a whole people, and the clamours of a faction. In which latter case, a people are particularly obliged to give the best founded remonstrances no farther countenance, than in the utmost strictness of justice they may deserve. Of this obligation, however, the prince may take great advantages, in order to preferve his power in fpite of the people, without running the risk of being charged with usurping it. For in appearing only to make use of his prerogatives, he may extend them, and, under the pretence of maintaining the public peace, may prevent those affemblies which might otherwise be calculated to re-establish the good order of government: so that he might profit by that filence which he keeps from being

broken, and by those irregularities which he himself might cause to be committed; pleading in his favour the tacit approbation of those whose fears keep them silent, and punishing those who are bold enough to speak. It was thus the *Decemviri*, at sirst elected for one year only, and afterwards continued for another, attempted to perpetuate the duration of their power, by preventing the *Comitia* from assembling as usual; and it is by such easy means that all the governments in the world, when once invested with power, usurp sooner or later the sovereign authority.

These periodical assemblies, of which I have spoken above, are very proper to prevent or protract this misfortune, particularly when they require no formal convecation; for then the prince cannot prevent them without declaring himself openly a violator of the laws, and an enemy to the state.

The opening of these assemblies, which have no other object than the preservation of the social contract, ought always to be made by two propositions, which can never be suppressed, and should pass separately by vote.

First, Whether it be the determination of the sovereign to preserve the present form of government.

Second, Whether it be the determination of the people to continue the administration in the hands of those who are at present charged with it.

It is to be observed, that I here take for granted what I conceive has already been demonstrated, viz. that there is no fundamental law in any state, which such state cannot repeal, not excepting even the social compact: for, should all the citizens assemble with one accord to break

this compact, it would undoubtedly be very legally diffolved. Grotius even thinks that an individual may renounce the state of which he is a member, and resume his natural independence and property by leaving the country*. Now it would be very absurd to suppose that the whole body of citizens united, could not do that in concert, which any one of them might do separately.

BOOK IV.

CHAPTER I.

That the general will cannot be annihilated.

SO long as a number of individuals remain perfectly united, and confider themselves as one body, they can have but one will; which relates to their common preservation and welfare. All the resources of the state are then simple and vigorous, its political maxims clear and obvious; it comprehends no intricate and opposite interests; but that of the public is demonstrably evident to all, and requires only the gift of common sense to understand it. Peace, concord, and equality, are enemies to political resinements. When men are honest and simple, their very simplicity prevents their deception; they are not to be imposed on by sophistry, but are too artless even to be duped. When it is known, that, among the hap-

^{*} With this exception, however, that he does not fly, to elude his duty, and avoid ferving his country on any emergency, when his fervice is required. In this case, his flight would be criminal, and highly deserving of punishment. It would not be a retreat, but desertion.

piest people in the world, a number of peasants meet together under the shade of an oak, and regulate the affairs of state with the most prudential economy, is it possible to forbear despiting the refinements of other nations, who employ so much artifice and mystery to render themselves splendidly miserable?

A state thus simply governed hath need of but few laws; while in proportion as it becomes necessary to promulgate new ones, that necessity is universally apparent. The first person who proposes them, takes on himself to speak only what every one hath already thought; and neither eloquence nor intrigue is requisite to make that pass into a law, which every one had already resolved to do as soon as he should be assured others would do the same.

That which deceives our reasoners on this subject, is, that, seeing none but such states as were badly constituted at their beginning, they are struck with the impossibility of maintaining such a police in them. They smile to think of the absurdaties into which a designing knave or infinuating orator might lead the people of Paris and London. They are not apprised that a Cromwell and a Beaufort would have been treated as incendiaries at Berne and Geneva, and have underwent the discipline due to their demerit.

But when the bonds of fociety begin to relax, and the state to grow weak; when the private interests of individuals begin to appear, and that of parties to influence the state; the objects of public good meet with opposition: unanimity no longer presides in the assemblies of the people; the general will is no longer the will of all; contradictions and debates arise, and the most falutary counsel is not adopted without dispute.

Again, when the state is bordering on ruin, and exists only in empty form; when the social tie no longer connects the hearts of the people; when the basest motives of interest impudently assume the facred name of the public good; then is the general will altogether silent: individuals, actuated by private motives, cherish no more the sentiments of citizens, than if the state had never existed; while the mock legislature pass, under the name of laws, those iniquitous decrees which have no other end than private interest.

Doth it follow from hence, however, that the general will is annihilated or corrupted? No. This remains ever constant, invariable, and pure; though it is subjected to that of party. There is not an individual who doth not fee, while he detaches his own interest from that of the public, that he cannot separate himself from it entirely: but his share in the common evil feems nothing in comparison to the good which he proposes to secure exclufively to himfelf. Setting this motive afide, he is as ready to concur in measures for the good of the public, and that even for his own fake, as any one. Nay, even in felling his vote, he doth not lofe all fense of thegeneral will; he only eludes it. The fault he is guilty of, lies in changing the state of the question, and making an anfwer to what is not asked him; so that, instead of admiting by his vote, that it is to the interest of the state, he fays, it is to the interest of such an individual or such a party, that this or that law should pass. Thus the order which should prevail on the public assemblies of the state, should not be calculated so much to preserve the general will inviolate, as to cause it to be always interrogated, and to make it answer.

I might here make a variety of reflections on the simple right of voting in every act of the sovereignty; a right which the citizens cannot be deprived of; as also on the rights of thinking, proposing, and debating, on public matters; privileges which government is ever solicitous enough to confine to its own members. This subject, however, is of importance enough to deserve a whole treatise of itself; and it is impossible for me to say every thing in the present.

CHAP. 11.

On votes.

IT is evident, from what has been faid in the preceeding chapter, that the manner in which public affairs are carried on, may afford a fure indication of the actual state of manners, and the health of the body-politic. The more concord there is in public assemblies, that is to say, the nearer the members approach to unanimity in giving their votes, the more prevalent is the general will among them: but long debates, dissentions, and commotions, evince the ascendancy of particular interests and the decline of the state.

This appears less evident, indeed, when two or more orders of men enter into the constitution; as at Rome, where the quarrels of the Partricians and Plebeians occafioned frequent disturbances in the Comitia, even in the most flourishing times of the republic. This exception, however, is more apparent than real: as in that case there exists, by a defect inherent in the body-politic, two states in one; and that which is not true of both together, may nevertheless be true of each apart. It is also true in fact, that even during the most turbulent times of the republic, the decrees of the Plebeians, when the Senate did not intermeddle, were passed with great tranquillity agreeable to the plurality of voices. The citizens having but one common interest, the people could have but one will.

Unanimity returns again at the opposite extremity of the circle; and this is where the citizens reduced to slavery, have neither liberty nor will. In such a situation, fear and flattery pervert their votes into acclamations; they no longer deliberate among themselves, but either adore or curse their tyrants. Such were the debased principles of the Senate under the Roman emperors. Under these circumstances also the sentiments of the public were frequently expressed with the most ridiculous precaution; Tacitus observing, that under Otho, the Senators, while they loaded Vitellius with execrations, affected at the same time to make a consused and clamorous noise, in order to prevent his knowing, should he become their master, what an individual had said.

From these confiderations may be deduced the maxims

on which the manner of counting votes and comparing different suffrages should be regulated, according to the general will is more or less easy to be discovered, and the state more or less advanced towards its decline. There is but one law, which in its own nature requires unanimous consent: and this is the Social Compact. For civil association is the most voluntary act in the world: every man being born free, and master of himself, no one can lay him under restraint, on any pretence whatever, without his own consent. To affirm that the son of a slave is born a slave, is to affirm he is not born a man.

If there be any perfons, however, who oppose this contract itself, their opposition does not invalidate that contract; it only hinders their being comprehended therein; and they remain aliens in the midst of citizens. When a state is formed, a consent to its institution is inferred by the residence of the party: to submit to residence in any country, is to submit to its sovereignty*.

If we except this primitive contract, the determination of the majority is always obligatory on the rest: this is a necessary consequence of the contract itself. But it may be asked, How can a man be free, and yet be obliged to conform to the will of others? How can the members of an opposition be called free-men, who are compelled to submit to laws they have not consented to? I answer,

^{*} This must always be understood, however, of a free state, from which people have the liberty to depart with their effects at pleasure. For in others, the consideration of their family, their property, the want of an asylum, necessity or violence, may detain an inhabitant in a country contrary to his will; in which case, his simple residence never implies his consent to the contract, nor his violation of it.

that this question is not properly stated. The citizen confents to all laws passed by a majority, though some of them in particular, may have passed contrary to his inclination; nay, he confents to those by which he is punishable for the breach of any one. The constant will of all the members of a state, is the general will; and it is this alone that makes them either citizens or freemen*. When a law is proproposed in the assembly of the people, they are not precifely demanded, Whether they feverally approve or reject the proposition; but, Whether it be conformable or not to the general will, which is theirs as a collective body. Each person, therefore, in giving his vote declares his opinion on this head; and on counting the votes, the declaration of the general will is inferred from the majority. When a law thus paffes contrary to my opinion, it proves nothing more than that I was miftaken, and that I concluded the general will to be what it really was not. So that, if my particular advice had been followed, it would have been contrary to my will, which as a citizen is the fame as the general, and in that case I should not have been free.

This argument supposes, indeed, that all the characteristics of the general will are contained in the plurality of votes; and when this ceases to be the case, take what course you will, there is an end of liberty.

^{*} At Genoa we fee the word LIBERTAS inferibed on the chain of the galley-flaves, and on the doors of the prifoners: the application of which device is beautiful and just; as it is in fact only the criminals of all states that infringe the liberty of the citizen. A country, whose malefactors should be all actually chained to the oar, would be a country of the most perfect liberty.

In having shewn how the will of particulars and parties is substituted for the general in public deliberations, I have already sufficiently pointed out the practicable means of preventing such abuses; of this, however, I shall speak further hereafter. With regard to the proportional number of votes that indicate this general will, I have also laid down the principles on which it may be determined. The difference of a single voice is enough to break the unanimity; but between unanimity and an equality there is a variety of proportions; to each of which the number in question may be applied, according to the circumstances of the body-politic.

There are two general maxims, which may ferve to regulate these proportions; the one is, that the more grave and important the deliberations, the nearer ought the determination to approach to unanimity: the other is, that the more expedition the affair requires, the less should unanimity be insisted on. In deliberations where the matter should be immediately determined, the majority of a single vote should be sufficient. The first of these maxims seems most applicable to permanent laws, and the second to matters of business. But be this as it may, it is from their judicious combination that the best proportions must be deduced concerning that plurality in whose votes should be supposed to consist the general will.

CHAP. III.

Of election.

WITH regard to the election of a prince or of magistrates, which as I before observed, is a complicated act, there are two methods of proceeding; viz. by choice, and by lot. They have each been made use of in different republics; and we see in our own times, a very intricate mixture of both in the election of the doge of Venice.

The preference by lot, fays Montesquieu, is of the nature of a democracy. This I admit, but not for the reasons given. The choice by lot, says he, is a method which offends nobody, by permitting each citizen to entertain the reasonable hope of being preferred to the service of his country.

This, however, is not the the true reason. If we reflect that the election of chiefs is a function of government and not of the sovereignty, we shall see the reason why this method is of the nature of a democracy, in which the administration is so much the better as its acts are fewer.

In every real democracy, the office of magistrate is not advantageous, but expensive and burthensome, so that it were unjust to impose it on one person rather than another. The law, therefore, imposes that charge on him to whose lot it falls: for in this case, all standing an equal chance, the choice doth not depend on human will, nor can any particular application change the universality of the law,

In an aristrocracy, the prince makes choice of the prince; and, the government providing for itself, here it is that votes are properly applicable. The apparent exception, in the election of the doge of Venice, confirms this diffinction, instead of destroying it. Such a mixed form as is used by the Venetians is adapted to a mixed government: for it is a mistake to suppose the government of Venice a true aristocracy. If the lower order of people, indeed, have no there in the government, the nobility fland in their place, and become the people in respect to the administration. What a number is there of the inferior order of nobles, who stand no chance of ever getting into the magistracy, and reap no other advantage from their rank than the empty title of Excellency, and the privilege of fitting in the great Council! This great Council being as numerous as our general Council at Geneva, its illustrious members have no greater prileges therefore than our ordinary citizens. It is certain, that, fitting afide the extreme difparity of the two republics, the burghers of Geneva, represent exactly the Patricians of Venice, our natives and fojourners reprefent the citizens and people, and our peafants the inhabitants of the terra firma belonging to that state. In a word, consider their Venetian republic in what light you will, abstracted from its grandeur, its government is no more ariftocratical than that of Geneva. All the difference is, that we have no occasion for this kind of election.

The choice by lot is attended with very little inconvenience in a real democracy, when all men being nearly on an equality, as well with regard to manners and abilities as to sentiments and fortune, the matter of choice is indifferent. But I have already observed, a true democracy is only imaginary.

When the election is of a mixed form, viz. by vote and by lot, the first ought to provide for those officers which require proper talents, as in military affairs; the other being best adapted to those which require only common sense, honesty, and integrity; such as the offices of judicature; because, in a well-formed state, those qualities are possessed by all the citizens in common.

No election, either by vote or lot, hath place under a monarchical government; the monarch himself being the only rightful prince and legal magistrate, the choice of his substitutes is vested in him alone. When the Abbe de St. Pierre, therefore, proposed to increase the number of the king's councils in France, and to elect their members by ballot, he was not aware that he proposed to change the form of the French government.

It remains to speak of the manner of giving and collecting votes in popular assemblies; but perhaps an historical sketch of the Roman police relating to this point, will explain it better than all the maxims I should endeavour to establish. It is worth the pains of a judicious reader to attend a little particularly to the manner in which they treated affairs, both general and particular, in a council of two hundred thousand persons.

CHAP. IV.

Of the Roman Comitia.

WE have no authentic monuments of the earliest ages of Rome; there is even great reason to believe that most of the stories told us of them are fabulous *; and indeed, the most interesting and instructive part of the annals of nations in general, which is that of their establishment, is the most imperfect. Experience daily teaches us to what causes are owing the revolutions of kingdoms and empires; but as we see no instances of the original formation of states, we can only proceed on conjectures in treating this subject.

The customs we find actually established, however, sufficiently attest, there must have been an origin of those eustoms. Those traditions, also, relating to such origin, which appear the most rational, and of the best authority, ought to pass for the most certain. These are the maxims I have adopted in tracing the manner in which the most powerful and free people in the universe exercised the sovereign authority.

After the foundation of Rome, the rifing republic, that is to fay, the army of the founder, composed of Albans, Sabines, and foreigners, was divided into three classes; which, from that division, took the name of tribes.

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^{*} The name of Rome, which it is pretended was taken from Romulus, is Greek, and fignifies force; the name of Numa is Greek, also, and fignifies law. What probability is there that the two first kings of this city should have been called by names so expressive of their suture actions?

Each of these tribes was subdivided into ten Curiæ, and each Curia into Decuriæ, at the head of which were placed Chiefs respectively denominated Curiones and Decuriones.

Besides this, there were selected from each tribe a body of an hundred cavaliers or knights, called *Centurions*; by which it is evident, that these divisions, not being effential to the good order of a city, were at first only military. But it seems as if the presaging instinct of suture greatness induced the little town of Rome to adopt at first a system of police proper for the metropolis of the world.

From this primitive division, however, there speedily refulted an inconvenience. This was, that the tribe of Albans, and that of the Sabines, always remaining the fame, while that of the strangers was perpetually encreasing by the concourse of foreigners, the latter soon furpassed the number of the two former. The remedy which Servius applied to correct this dangerous abuse was to change the division; and to substitute, in the room a distinction of race, which he abolished, another taken from the parts of the town occupied by each tribe. Instead of three tribes, he constituted four; each of which occupied one of the hills of Rome, and bore its name. Thus by removing this inequality for the present, he prevented it also for the future; and in order that such divifion should not only be local but personal, he prohibited the inhabitants of one quarter of the city from removing to the other, and thereby prevented the mixture of families.

He doubled also the three ancient centuries of cavalry, and made an addition of twelve others, but always Vol. 111. under their old denomination; a fimple and judicious method, by which he completely distinguished the body of knights from that of the people, without exciting the murmurs of the latter.

Again, to these sour city tribes, Servius added fifteen others, called rustic tribes, because they were formed of the inhabitants of the country, divided into as many cantons. In the sequel were made an equal number of new divisions, and the Roman people sound themselves divided into thirty-sive tribes; the number at which their divisions remained fixed till the final dissolution of the republic.

From the distinction between the tribes of city and country, refulted an effect worthy of observation; because we have no other example of it, and because Rome was at once indebted to it for the preservation of its manners and the increase of its empire. It might be conceived the city tribes would soon arrogate to themselves the power and honours of the state, and treat the rustics with contempt. The effect, nevertheless, was directly contrary. The taste of the ancient Romans for a country life is well known. They derived this taste from the wise institutor, who joined to liberty the labours of the peasant and the soldier, and consigned, as it were, to the city, the cultivation of the arts, trade, intrigue, fortune, and slavery.

Thus the most illustrious personages of Rome, living in the country, and employing themselves in the business of agriculture, it was among these only the Romans looked for the defenders of their republic. This station, being

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that of the most worthy patricians, was held in universal esteem: the simple and laborious life of the villager was preferred to the mean and lazy life of the citizen; and a person who, having been a labourer in the country, became a respectable housekeeper in town, was yet held in contempt. It is with reason, says Varro, that our magnanimous ancestors established in the country the nursery for those robust and brave men, who defended them in time of war and cherished them in peace. Again, Pliny fays in express terms, the country tribes were honoured because of the persons of which they were composed; whereas fuch of their individuals as were to be treated with ignominy were removed into the tribes of the city-When the Sabine, Appius Claudius, came to fettle in Rome, he was loaded with honours, and registered in one of the rustic tribes, which afterwards took the name of his family. Lastly, the freed-men were all entered in the city tribes, never in the rural; nor is there one fingle instance, during the existence of the republic, of any one of these freed-men being preferred to the magistracy, altho' become a citizen.

This was an excellent maxim; but was carried fo far, that it effected an alteration, and undoubtedly an abuse in the police of the state.

In the first place, the Censors, after having long arrogated the right of arbitrarily removing the citizens from one tribe to another, permitted the greater part to register themselves in whatever tribe they pleased; a permission that could surely answer no good end, and yet it deprived these officers of one of their severest methods of censure.

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Besides, as the great and powerful thus got themselves registered in the rural tribes, and the freed-men, with the populace, only filled up those of the city, the tribes in general had no longer a local distinction; but were so strangely mixed and jumbled together, that their respective members could be known only by appealing to the registers; so that the idea attached to the word tribe, was changed from real to personal, or rather became altogether chimerical.

It happened also, that the tribes of the city, being nearer at hand, had generally the greatest influence in the Comitia and made a property of the state, by selling their votes to those who were base enough to purchase them.

With regard to the Curia, ten having been instituted in each tribe, the whole Roman people, included within the walls, made up thirty Curia, each of which had their peculiar temples, their gods, officers, and feasts called Compitalia, resembling the Paganalia asterwads instituted among the rustic tribes.

At the new division made by Servius, the number thirty not being equally divisible among the four tribes, he forbore to meddle with this mode of contribution; and the Curiæ, thus independent of the tribes, formed another division of the inhabitants. No notice, however, was taken of the Curiæ, either among the rustic tribes, or the people composing them; because the tribes becoming a mere civil establishment, and another method having been introduced for raising the troops, the military distinctions of Romulus were dropt as superstuous. Thus, though every citizen was registered in some tribe, yet

many of them were not included in any Curia. Servius made still a third division, which had no relation to the two former, and became in its consequences the most important of all. He divided the whole Roman people into fix classes, which he distinguished neither by persons nor place, but by property. Of these the higher classes were filled by the rich, the lower by the poor, and the middle classes by those of middling fortunes. These fix classes were fubdivided into one hundred ninety-three other bodies called centuries; and these were again so distributed, that the first class alone comprehended more than half the number of centuries, and the last class only one fingle century. In this method the class that contained the fewest persons, had the greater number of centuries: and the last class was esteemed only a subdivision, although it contained more than half the inhabitants of Rome.

In order that the people should penetrate less into the design of this latter form of distribution, Servius affected to give it the air of a military one. In the second class he incorporated two centuries of armourers, and annexed two instruments of war to the fourth. In each class, except the last, he distinguished also between the young and the old, that is to say, those who were obliged to bear arms, from those who were exempted from it on account of their age; a distinction which gave more frequent rise to the repetition of the census or enumeration of them, than even the shifting of property: lastly, he required their assembly to be made on the Campus Martius, where all those who were of age for the service were to appear under arms.

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The reason why he did not persue the same distinction of age in the last class, was, that the populace, of which it was composed, were not permitted to have the honour of bearing arms in the service of their country. It was necessary to be housekeepers, in order to attain the privilege of defending themselves. There is not one private centinel perhaps, of all those innumerable troops that make so brilliant a figure in the armies of modern princes, who would not, for want of property, have been driven out with disdain from a Roman cohort, when soldiers were the desenders of liberty.

In the last class, however, there was a distinction made between what they called *Proletarii* and those denominated *Capite Censi*. The former, not quite reduced to nothing, supplied the state at least with citizens, and sometimes on pressing occasions with soldiers. As to those who were totally destitute of substance, and could be numbered only by capitation, they were disregarded as nothing; Marius being the first who deigned to enroll them.

Without taking upon me here to decide, whether this third species of devision be in itself good or ill; I may venture safely to affirm, that nothing less than that simplicity of manners which prevailed among the ancient Romans, the disinterestedness, their taste for agriculture, their contempt for trade and the thirst of gain, could have rendered it practicable. Where is the nation among the moderns, in which voracious avarice, a turbulence of disposition, a spirit of artifice, and the continual sluctuation of property, would permit such an establishment to continue

Nay, it must be well observed, that the purity of the Roman manners, and the force of a censure more efficacious than the institution itself, served to correct the defects of it at Rome, where a rich man was often removed from his own class, and ranked among the poor, for making an improper parade of his wealth.

It is easy to comprehend from this, why mention is hardly ever made of more than five classes, though there were in reality six. The sixth, furnishing neither the army with soldiers, nor the Campus Martius* with voters, and being of hardly any use in the republic, was

hardly ever accounted any thing.

Such were the different divisions of the Roman people. We will now examine into the defects of which they were productive in their affemblies. These affemblies, when legally convoked, were denominated Comitia, and were held in the Campus Martius and other parts of Rome: being distinguished into Curiata, Centuriata, and Tributa according to the three grand divisions of the people into Curia, Centuries, and Tribes. The Comitia Curiata were instituted by Romulus, the Centuriata by Servius, and the Tributa by the Tribunes of the people. Nothing could pass into a law, nor could any magistrates be chosen but in the Comitia; and as there was no citizen who was not enrolled in a Curia, Century, or Tribe, it follows that no citizen was excluded from giving his vote; so

^{*} I say the Campus Martius, because it was there the Comitia affembled by centuries; in the two other forms, they affembled in the Forum, and other places, where the Capite Censi had as much influence and importance as the principal citizens.

that the Roman people were truly fovereign both in right and fact.

To make the affembly of the Comitia legal, and give their determinations the force of laws, three conditions were requifite. In the first place, it was necessary that the magistrate or body convoking them should be invested with proper authority for so doing; secondly, that the affembly should occur on the days permitted by law; and thirdly, that the augurs should be favourable to their meeting.

The reason of the first condition needs no explanation. The second is an affair of police; thus it was not permitted the Comitia to affemble on market-days, when the country people, coming to Rome on business, would be prevented from transacting it. By the third, the Senate kept a fierce and turbulent multitude under some restraint and opportunely checked the ardour of the seditious Tribunes; the latter, however, sound more ways than one to elude the force of this expedient.

But the laws and the election of the chiefs were not the only matters submitted to the determination of the Comitia; the Roman people having usurped the most important sunctions of government, the sate of Europe might be said to depend on their assemblies. Hence the variety of objects that came before them gave occasion for divers alterations in the form of these assemblies, according to the nature of those objects.

To judge of these diversities, it is sufficient to compare them together. The design of Romulus in instituting the Curiæ, was to restrain the Senate by means of the people, and the poeple by the Senate, while he himself maintained his influence equally over both. By this form, therefore, he gave to the people all the authority of number to counterbalance that of power and riches, which he left in the hands of the Patricians. But agreeable to the spirit of monarchy, he gave more advantage to the Patricians, by the influence of their clients to obtain the majority of votes. This admirable institution of patrons and clients was a masterpiece of politics and humanity, without which the order of Patricians, so contrary to the spirit of the republic, could not have substitted. Rome alone hath the honour of giving to the world this sine example, of which no abuse is known to have been made, and which nevertheless hath never been adopted by other nations.

This division by Curiæ, having subsisted under the kings till the time of Servius, and the reign of the last Tarquin, being accounted illegal, the regal laws came hence to be generally distinguished by the name of leges curiatæ.

Under the republic, the Curia, always confined to the four city tribes, and comprehending only the populace of Rome, could not arrive either at the honour of fitting in the Senate, which was at the head of the Patricians, or at that being Tribunes, which, notwithstanding they were Plebeians, were yet at the head of the citizens in easy circumstances. They fell, therefore, into discredit, and were reduced to so contemptible a state, that their thirty Lictors assembled to do the whole business of the Comitia Curiata.

The division by Centuries was so favourable to aristo. eracy that it is not at first easy to comprehend why the Senate did not always carry their point in the Comitia Centuriata, by which the Confuls, Cenfors, and Prætors. were chosen. It is in fact certain, that out of the hundred and ninety-three centuries, forming the fix claffes of the whole Roman people, the first class containing ninety-eight of them, and the votes being reckoned only by centuries, this first class alone had more votes than all the others. When the centuries of this class, therefore, were found to be unanimous, they proceeded no farther in counting votes; whatever might be determined by the minority being considered as the opinion of the mob. So that it might be justly faid, that in the Comitia Centuriata matters were carried rather by the greater quantity of money than the mojority of votes.

But this extreme authority was moderated by two causes. In the first place, the Tribunes, generally speaking, and always a considerable number of wealthy citizens, being in this class of the rich, they counterpossed the credit of the Patricians in the same class. The second cause lay in the manner of voting, which was this; the centuries instead of voting according to order, beginning with the first in rank, cast lots which should proceed first to the election. And to this the century whose lot it was, proceeded * alone; the other centuries being called upon another day to give their votes according to their rank,

^{*} The century thus preferred by lot was called Præ-rogativa, because it was the first whose suffrage was demanded; and hence is derived the word prevogative.

when they repeated the same election, and usually confirmed the choice of the former. By this method the preference of rank was set aside, in order to give it according to lot, agreeable to the principles of democracy.

There is another advantage refulting from this custom; which is, that the citizens residing in the country had time between the two elections to inform themselves of the merit of the candidates thus provisionally nominated; by which means they might be better enabled to give their vote. But under the pretence of expediting affairs, this custom was in time abolished, and the two elections were made the same day.

The Comitia by Tribes, were properly speaking, the great Council of the Roman people. These were convoked only by the Tribunes; by these also the Tribunes were chosen, and by these the plebiscita or laws of the people were passed. The Senators were not only defitute of rank in these assemblies; they had not even the right to be present at them; but, obliged to pay obedience to laws in the enacting of which they had no vote, they were in that respect less free than the lowest citizens. This injustice, however, was very ill understood, and was in itself alone sufficient to invalidate the the decrees of a body, whose members were not all admitted to vote. Had all the Patricians affifted at these Comitia, as they had a right, in quality of citizens, they could have had no undue influence where every man's vote was equal. even from the lowest of the people to the highest personage of the state.

It is evident, therefore, that, exclusive of the good order

order that refulted from these several divisions, in collecting the votes of so numerous a people, the form and method of these divisions were not indifferent in themselves; each being productive of essects, adapted to certain views in regard to which it was preferable to any other.

But without entering into a more circumstantial account of these matters, it is plain from what hath been advanced, that the Comitia Tribunata were the most favourable to a popular government, and the Comitia Centuriata to an aristocracy. With respect to the Comitia Curiata, of which the populace formed the majority, as they were good for nothing but to favour tyrannical designs, they remained in this contemptible state into which they were fallen; even the contrivers of sedition themselves not chusing to employ means which must have exposed too openly their designs. It is very certain that all the majesty of the Roman people was displayed only in the Comitia Centuriata, which only were complete; the Curiata wanting the rustic Tribes, and the Tribunata the Senate and Patricians.

With regard to the method of collecting the votes, it was, among the primitive Romans, simple as their manners, though still less simple than that of Sparta. Every one gave his vote aloud, which the register took down in writing; the plurality of votes in each tribe determined the vote of that tribe, and the plurality of votes in the tribes determined the suffrage of the people. In the same manner also they preceeded with regard to the Curiæ and the Centuries. This custom was a very good one, so long as integrity prevailed

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among the citizens, and every one was ashamed to give his public sanction to an unworthy person or cause. But when the people grew corrupt and sold their votes, it became necessary to make them give their votes more privately, in order to restrain the purchasers by distrust, and afford knaves an expedient to avoid being traitors.

I know that Cicero censures this alteration, and attributes to it in a great degree the ruin of the republic. But, though I am sensible of all the weight of Cicero's authority in this case, I cannot be of his opinion. I conceive, on the contrary, that the ruin of the state would have been accelerated had the Romans neglected making this alteration. As the regimen of people in health is not proper for the sick, so it is absurd to think of governing a corrupt people by the same laws as were expedient for them before they were corrupted. There cannot be a stronger proof of this maxim, than the duration of the republic of Venice; the shadow of which still exists, solely because its laws are adapted only to bad men.

On this change in the manner of voting, tablets were distributed among the citizen, by means of which they could give their suffrage without its being known. On this occasion other methods were of course made use of in collecting votes, such as counting the number of voices, comparing it with that of the tablets, &c. Not that these methods were so effectual as to prevent the returning officers * from being often suspected of partiality: and it is plain in the sequel, by the multiplicity of laws made

^{*} Custodes, Diribitores, Rogatores suffragiorum.

to prevent bribery and corruption in elections, that they could not effect this point.

Toward the decline of the republic, recourse was had to very extraordinary expedients to make up for the infufficiency of the laws. Prodigies were fometimes played off with fuccess; but this scheme, though it imposed on the multitude, did not impose on those who influenced them. Sometimes affemblies were called fuddenly, and in great haste, that the candidates might not have time to create an undue interest: at others, again, the whole fession was spent in declamation, when it was feen that the people were biaffed to take a wrong fide. At length, however, ambition eluded all these precautions; and it is almost incredible that, in the midst of so many abuses, this immense people fill continued, by virtue of their ancient laws, to elect their magistrates, to pass laws, to judge causes, and to expedite both public and private affairs, with as much facility as could have been done in the Senate itself.

CHAP. V.

On a tribunate.

WHEN it is impracticable to establish an exact proportion between the component parts of a state, or that inevitably causes perpetually operate to change their relations, a particular magistracy is instituted, which, not incorporating with the rest, replaces every term in its

either between the prince and the people, between the prince and the fovereign, or, in cases of necessity, at at once between both.

This body, which I shall call a Tribunate, is the preserver of the laws and of the legislative power. It serves sometimes to protect the sovereign against the government, as the tribunes of the people did at Rome; sometimes to protect the government against the people, as at present the council of the ten do at Venice; and again, at others, to maintain an equilibrium both on the one part and the other, as did the Ephori at Sparta.

The Tribunate is not a constitutional part of the city, and ought not, therefore, to have any share in the legislative or executive power. Even in this, however, its own is much greater: for being able to do nothing itself, it may prevent any thing from being done by others. It is more facred and revered, as defender of the laws, than the prince who executes them, or the sovereign who enacts them. This was very evident at Rome, when the haughty patricians, who always despited the people collectively, were nevertheless obliged to give place to their common officers, without command or jurisdiction.

The Tribunate, when judiciously moderated, is the firmest support of a good constitution; but if it have ever so little ascendency of power, it subverts every thing. With regard to its weakness, it is not natural to it; for, provided it have any existence at all, it can never have too little power.

It degenerates into tyranny when it usurps the execu-

tive power, of which it is only the moderator, and when it would interpret the laws which it should only protect, The enormous power of the Ephori, which was exercised without danger while Sparta retained its purity of manners, ferved only to encrease the corruption of them when once begun. The blood of Agis spilt by those tyrants was revenged by his fucceffor: the crime and the punishment of the Ephori accelerated equally the ruin of that republic; for after the time of Cleomenes, Sparta was nothing. The destruction of the Roman republic was affected in the same manner: the excessive power which the Tribunes by degrees usurped ferved at length, with the help of the laws made in defence of liberty, as a fecurity to the Emperors who destroyed it. As for the council of ten at Venice, it is a most fanguinary tribunal, equally horrible to the patricians and the people; and which is fo far from openly protecting the laws, that it now ferves but fecretly to effect the breach of them.

The Tribunate is enfeebled, as well as the government, by encreasing the number of its members. When the Roman Tribunes, at first two, and afterwards five, had a mind to double their number, the Senate did not oppose it; being well affured they should be able to make one a curb to another; which was actually the case.

The best way to prevent the usurpations of fo formidable a body, a way that no government hath hitherto adopted, would be to render fuch a body not permanent, but to regulate the intervals during which it should remain dissolved. These intervals which should not be so great as to give abuses time to strengthen into customs,

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might be fixed by law, in such a manner that it would be easy to abridge them, in case of necessity, by extraordinary commissions.

This method appears to me to be attended with no inconvenience; because, as I have already observed, the Tribunate making no essential part of the constitution, may be suppressed without injury: and it appears to me essectual, because a magistrate newly re-established doth not succeed to the power of his predecessor, but to that which the law confers on him.

CHAP. VI.

Of the distature.

THAT inflexibility of the laws, which prevents their yielding to circumstances, may in some cases render them hurtful, and in some critical juncture bring on the ruin of the state. The order and prolixity of forms, take up a length of time, of which the occasion will not always admit. A thousand accidents may happen for which the legislature hath not provided; and it is a very necessary foresight to see that it is impossible to provide for every thing.

We should not be desirous, therefore, of establishing the laws so firmly as to suspend their effects. Even Sparta itself sometimes permitted the laws to lie dormant.

Nothing, however, but the certainty of greater dan-Vol. III. L ger ger should induce a people to make any alteration in government; nor should the facred power of the laws be ever restrained unless the public safety is concerned. In such uncommon cases, when the danger is manifest, the public safety may be provided for by a particular act, which commits the charge of it to those who are most worthy. Such a commission may pass, in two different ways, according to the nature of the danger.

If the case require only a greater activity in the government, it should be confined to one or two members; in which case, it would not be the authority of the laws, but the form of the administration only, that would be changed. But if the danger be of such a nature, that the formality of the laws would prevent a remedy, then the supreme chief might be nominated who should silence the laws, and suspend for a moment the sovereign authority. In such a case the general will cannot be doubted; it being evident, that the principal intention of the people must be to save the state from perdition. By this mode of temporary suspension the legislative authority is not abolished: the magistrate who silences it, cannot make it speak, and though he over-rules cannot represent it; he may do every thing indeed but make laws.

The first method was taken by the Roman Senate, when it charged the confuls, in a facred manner, to provide for the fafety of the commonweath. The second took place when one of the confuls nominated a dictator*; custom which Rome adopted from the example of Alba.

^{*} This nomination was fecretly made in the night, as if they were ashaned of the action of placing any man so much above the law.

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In the early times of the republic, the Romans had frequent recourse to the dictatorship, because the state had not then sufficient stability to support itself by the force of its constitution. The manners of the people, also, rendering those precautions unnecessary which were taken in after-times, there was no fear that a dictator would abuse his authority, or that he would be tempted to keep it in his hands beyond the term. On the contrary, it appeared, that so great a power was burdensome to the person invested with it, so eager were they to resign it; as if it were a difficult and dangerous post to be superior to the laws.

Thus it was not the danger of the abuse, but of the debasement of this supreme magistracy, that gave occasion to censure the indiscreet use of it in ancient times. For when they came to prostitute it in the affair of elections and other matters of mere formality, it was very justly to be apprehended that it would become less respectable on pressing occasions; and that the people would be apt to look upon an office as merely titular, which was instituted to affist at empty ceremonies.

Toward the end of the republic, the Romans, becoming more circumfpect, were as sparing of the dictature, as they had before been prodigal of it. It was easy to see, however, that their fears were groundless, that the weakness of the capital was their security against the internal magistrate; that a dictator might in some cases have acted in defence of public liberty, without ever making encroachments on it; and that the Roman chains were not forged in Rome itself, but in its armies abroad.

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The weak refistance which Marius made to Sylla, and Pompey to Cæsar, shewed plainly how little the authority from within the city could do against the power from without.

This error led them to commit great blunders. Such. for instance, was their neglecting to appoint a dictator in the affair of Catiline. For, as it engaged only the city, or at most a province in Italy, a dictator invested with that unlimited authority which the laws conferred on him might eafily have diffipated that conspiracy, which was with difficulty suppressed by a numerous concurrence of fortunate circumstances, which human prudence had no reason to expect. Instead of that, the Senate contented itself with committing all its power into the hands of Confuls; whence it happened that Cicero, in order to act effectually, was obliged to exceed that power in a capital circumstance; and though the public in their first transports, approved of his conduct, he was very justly called to an account afterwards for the blood he had spilt contrary to the laws; a reproach they could not have made to a dictator. But the eloquence of the Conful carried all before it; and preferring, though a Roman, his own glory to his country, he thought less of the most legal and certain method of faving the state, than the means of fecuring all the houour of fuch a transaction to himfelf*. Thus was he very justly honoured as the deliverer of Rome, and as justly punished as a violator of

^{*} This is what he cou'd not be certain of, in proposing a Dictator: not daring to nominate himself, and not being affured his colleague would do it.

its laws. For, however honourable was his repeal, it was certainly a matter of favour.

After all, in whatever manner this important commiffion may be conferred, it is of confequence to limit its duration to a fhort term; which should on no occasion be
prolonged. In those conjectures, when it is necessary to
appoint a Dictator, the state is presently saved or destroyed; which causes being over, the dictature becomes
useless and tyrannical. At Rome the Dectators held
their office only for six months; and the greater part resigned before that term expired. Had the time appointed
been longer, it is to be apprehended they would have
been tempted to make it longer still; as did the Decemwir, whose office lasted a whole year. The Dictator had
no more time allowed him than was necessary to dispatch
the business for which he was appointed; so that he had
not leisure to think of other projects.

CHAP. VII.

Of the censorship.

AS the declaration of the general will is made by the laws, so the declaration of the public judgment is made by their censure. The public opinion is a kind of law, which the Censor puts in execution, in particular cases, after the example of the prince.

So far, therefore, is the censorial tribunal from being the arbiter of popular opinions, it only declares them; and, whenever it departs from them, its decisions are vain and ineffectual.

It is useless to distinguish the manners of a nation by the objects of its esteem; for these depend on the same principle, and are necessarily confounded together. Among all people in the world, it is not nature, but opinion, which determines the choice of their pleasures. Correct the prejudices and opinions of men, and their manners will correct themselves. We always admire what is beautiful, or what appears so; but it is in our judgment we are mistaken; it is this judgment then we are to regulate. Whoever judges of manners, takes upon him to judge of honour; and whoever judges of honour, decides from opinion.

The opinions of a people depend on the constitution; though the laws do not govern manners, it is the legislature that gives rise to them. As the legislature grows feeble, manners degenerate, but the judgment of the censors will not then effect what the power of the laws have not before effected.

It follows hence, that the office of a Censor may be useful to the preservation of manners, but never to their re-establishment. Establish Censors during the vigour of the laws; when this is past, all is over; no legal means can be effectual when the laws have lost their force.

The Cenfor is prefervative of manners, by preventing the corruption of opinions, by maintaining their morality and propriety, by judicious applications, and even fometimes by fettling them when in a fluctuating fituation.

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The use of seconds in duels, though carried to the greatest excess in France, was abolished by the following words inserted in one of the king's edicts; As to those who have the cowardice to call themselves seconds. This judgment anticipating that of the public, was effectual, and put an end to that custom at once. But when the same edicts pronounced it cowardice to fight a duel; though it is certainly true, yet as it was contrary to the popular opinion, the public laughed at a determination so contrary to their own.

I have observed elsewhere *, that the public opinion being subjected to no constraint, there should be no appearance of it in the tribunal established to represent it. One cannot too much admire with what art this spring of action, entirely neglected among the moderns, was employed by the Romans, and still more effectually by the Lacedemonians.

A man of bad morals, having made an excellent proposal in the council of Sparta, the Ephori, without taking any notice of it, caused the same proposal to be made by a citizen of character and virtue. How honourable was this proceeding to the one, and how disgraceful to the other; and that without directly praising or blaming either! Some drunkards of Samos having behaved indecently in the tribunal of the Ephori, it was the next day permitted by a public edict, that the Samians might become slaves. Would an actual punishment have been so severe as such impunity? When the Spartans had once

^{*} I do but flightly mention here, what I have treated more at large in my Letter to M. d'Alembert.

passed their judgment on the decency or propriety of any behaviour, all Greece submitted to their opinion.

CHAP. VIII.

Of political religion.

IN the first ages of the world, men had no other kings than gods, nor any other government than what was purely theocratical. It required a great alteration in their sentiments and ideas, before they could prevail on themselves to look upon a fellow creature as a master, and think it went well with them.

Hence, a deity being constantly placed at the head of every political society, it followed that there were as many different gods as people. Two communities, personally strange to each other, and almost always at variance, could not long acknowledge the same master; nor could two armies, drawn up against each other in battle, obey the same chief. Thus Polytheism became a natural consequence of the division of nations, and thence the want of civil and theological toleration, which are perfectly the same, as will be shewn hereafter.

The notion of the Greeks, in pretending to trace their own gods among those of the Barbarian nations, took its rise evidently, from the ambition of being thought the natural sovereigns of those people. In this age, however, we think that a most absurd part of erudition which re-

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lates to the identity of the deities of different nations, and according to which it is supposed that Moloch, Saturn, and Chronos, were one and the same god; and that the Baal of the Phenicians, the Zeus of the Greeks, and the Jupiter of the Latins, were the same deity; as if any thing could be found in common between chimerical beings bearing different names!

If it be asked why there were no religious wars among the Pagans, when every state had thus its peculiar deity and worship; I answer, it was plainly for this very reafon, that each state having its own peculiar religion as well as government, no distinction was made between the obedience paid to their gods and that due to their laws. Thus their political were at the fame time theological wars; and the departments of their deities were prescribed by the limits of their respective nations. The god of one people had no authority over another people; nor were these pagan deities jealous of their prerogatives, but divided the adoration of mankind amicably between them. Even Moses himself sometimes speaks in the same manner of the God of Israel. It is true the Hebrews despised the Gods of the Canaanites, a people proscribed and devoted to destruction, whose possessions were given them for an inheritance: but they speak with more reverence of the deities of the neighbouring nations whom they were forbidden to attack. Wilt thou not possess that, fays Jephtha, to Sihon king of the Ammonites, which Chemosh thy god giveth thee to posses? So whomsoever the Lord our God shall drive out from before us, them will we possess. There is in this passage, I think, an acknowacknowledged fimilitude between the rights of Chemosh, and those of the God of Israel.

But when the Jews, being subjected to the kings of Babylon, and afterwards to those of Syria, persisted in refusing to acknowledge any god but their own, this refusal was esteemed an act of rebellion against their conqueror, and drew upon them those persecutions we read of in their history, and of which no other example is extent previous to the establishment of Christianity *.

The religion of every people being thus exclusively annexed to the laws of the state, the only method of converting nations was to fubdue them: warriors were the only missionaries; and the obligation of changing their religion being a law to the vanquished, they were first to be conquered before they were folicited on this head. So far were men from fighting for the gods, that their gods, like those of Homer, fought in behalf of mankind. Each people demanded the victory from its respective deity, and expressed their gratitude for it by the erection of new altars. The Romans, before they belieged any fortress, summoned its gods to abandon it; and though it be true they left the people of Tarentum in possession of their angry deities, it is plain they looked upon those gods as subjected and obliged to do homage to their own: They left the vanquished in possession of their religion, jas they fometimes did in that of their laws; a wreathe for Jupite

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It is evident that the war of the Phocians,, called an holy war, was not a religious war. Its object was to punish facrilege, and not to subdue infidels.

piter of the Capitol being often the only tribute they exacted.

At length, the Romans having extended their religion with their empire, and sometimes even adopted the deities of the vanquished, the people of this vast empire sound themselves in possession of a multiplicity of gods and religions; which not differing essentially from each other, Paganism became insensibly one and the same religion throughout the world.

Things were in this state when Jesus came to establish his spiritual kingdom on earth; a design which, necessarily dividing the theological from the political system, gave rise to those intestine divisions which have ever since continued to embroil the profession of Christianity. Now this new idea of a kingdom in the other world having never entered into the head of the Pagans, they regarded the Christians as actual rebels, who, under an hypocritical shew of humility, waited only a proper opportunity to render themselves independent, and artfully to usurp that authority, which in their weak and infant state they pretended to respect: and this was undoubtedly the cause of their being persecuted.

What the Pagans were apprehensive of, also did, in process of time, actually come to pass. Things put on a new face; and the meck Christians, as their number increased, changed their tone, while their invisible kingdom of the other world became, under a visible head, the most despotic and tyrannical in this.

As in all countries, however, there were civil governors and laws, there resulted from this twofold power a perpetual struggle for jurisdiction, which renders a perfect system of domestic policy almost impossible in Christian states; and prevents us from ever coming to a determination, whether it be the prince or the priest we are bound to obey.

Some nations indeed, even in Europe or its neighbour. hood, have endcavoured to preferve or re-establish the ancient fystem, but without fuccess; the spirit of Christianity hath univerfally prevailed. Religious worship hath always remained, or again become independent of the fovereign, and without any necessary connection with the body of the state. Mahomet had very falutary and well-connected views in his political fystem; and fo long as his modes of government subfifted under the caliphs and their fuccessors, that government remained perfectly uniform, and fo far good. But the Arabians becoming wealthy, learned, polite, indolent, and cowardly, were fubdued by the Barbarians: then the division between the two powers re-commenced; and though it be less apparent among the Mahometans than among Christians, it is nevertheless to be diffinguished, particularly in the fect of Ali: there are some states also, as in Persia, where this division is constantly perceptible.

Among us, the kings of England are placed at the head of the church, as are also the Czars in Russia: but by this title they are not so properly masters as ministers of the religion of those countries: they are not possessed of the power to change it, but only to maintain its present form. Whenever the clergy constitute a collective

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bedy*, they will be both masters and legislators in their own cause. There are therefore two sovereigns in England and Russia, as well as elsewhere.

Of all Christian authors, Mr. Hobbes was the only one who saw the evil and the remedy, and who hath ventured to propose the re-union of the two heads of this eagle, and to restore that political union, without which no state or government can be well constituted. But he ought to have seen, that the prevailing spirit of Christianity was incompatible with his system, and that the interest of the church would be always too powerful for the state. It was not so much that which was really false and shocking in the writings of this philosopher, as what was really just and true, that rendered him odious t

I conceive that, by a proper display of historical facts, in this point of view, it would be easy to resute the opposite sentiments both of Bayle and Warburton; the former of which pretends that no religion whatever can be of service to the body-politic, and the latter that christianity is its best and sirmest support. It might be proved against the first, that every state in the world hath been sounded

^{*} It must be observed, that it is not so much the formal assemblies of the clergy, such as are held in France, which unite them together in a body, as the communion of their churches. Communion and excommunication form the social compact of the clergy; a compact by means of which they will always maintain their ascendancy over both kings and people. All the priests that communicate together are fellow-citizens, though they should be personally as distant as the extremittees of the world. This invention is a master-piece in policy. The Pagen priests had nothing like it; and therefore never had any clerical body.

⁴ In a later of Grotius to his brother, dated the 11th of April, 1643, may be fire a what that great Civilian approved and blamed in his book DE CIVE. It is true, that Grotius, being indulgent, feems inclined to forgive the author the faults of his book, for the fake of its merits; the rest of the world, however, were not so candid.

on the basis of religion; and against the second, that the precepts of Christianity are at the bottom more prejudicial than conducive to the strength of the state.

In order to make myself fully understood, I need only give a little more precision to the vague ideas generally entertained of political religion.

Religion, confidered as it relates to fociety, which is either general or particular, may be diftinguished into two kinds, viz. the religion of the man, and that of the citizen. The first, destitute of temples, altars, or rites, confined purely to the internal worship of the supreme Being, and to the performance of the eternal duties of morality, is the pure and simple religion of the gospel; this is genuine theifm, and may be called the law of natural divinity. The other, adopted only in one country, whose gods and tutelary faints are hence peculiar to itself, is composed of certain dogmas, rites, and external modes of worship prescribed by the laws of such country; all soreigners being accounted infidels, aliens, and barbarians; this kind of religion extends the duties and privileges of men no farther than to its own alters. Such were all the religions of primitive ages, to which may be given the name of the law of civil or positive divinity.

There is a third kind of religion still more extraordinary which dividing society into two legislatures, two chiefs, and two parties, subjects mankind to contradictory obligations, and prevents them from being at once devotees and citizens. Such is the religion of the Lamas, of the Japanese, and of the Roman Catholics; which may be denominated the religion of the priests, and is productive of a

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fort of mixed and unfociable obligation, for which we have no name.

If we examine these three kinds of religion in a political light, they have all their faults. The third is so palpably desective, that it would be mere loss of time to point them out. Whatever contributes to dissolve the social union is good for nothing: all institutions which set man in contradiction with himself are of no use.

The fecond is so far commendable as it unites divine worship with a respect for the laws, and that, making the country the object of the people's adoration, the citizen is taught that to serve the state is to serve its tutelary divinity. This is a species of theocracy, in which there should be no other pontiff than the prince, no other priests than the magistrates. To die, in such a state, for their country, is to suffer martyrdom; to violate the laws is impiety; and to doom a criminal to public execration, is to devote him to the anger of the gods.

It is blameable; however, in that, being founded on falshood and deceit, it leads mankind into error; rendering them credulous and superstitious, it substitutes vain ceremonies instead of the true worship of the Deity. It is surther blameable, in that, becoming exclusive and tyrannical, it makes people sanguinary and persecuting; so that a nation shall sometimes breathe nothing but murder and massacre, and think at the same time they are doing an holy action in cutting the throats of those who worship the gods in a different manner from themselves. This circumstance places such a people in a natural state of war

with all others, which is very unfavourable to their own fafety.

There remains then only the rational and manly religion of Christianity; not, however, as it is professed in modern times, but as it is displayed in the gospel, which is quite another thing. According to this holy, sublime, and true religion, mankind being all the children of the same God, acknowledge themselves to be brothers, and the society which unites them dissolves only in death.

But this religion, having no particular relation to the body-politic, leaves the laws in possession only of their own force, without adding any thing to it; by which means the firmest bonds of such particular society are of no effect. Add to this, that Christianity is so far from attaching the hearts of the citizens to the state, that it detaches them from it, as well as from all worldly objects in general: than which nothing can be more contrary to the spirit of society.

It is faid, that a nation of true Christians would form the most perfect society imaginable. To this affertion, however, there is one great objection; and this is, that a society of true Christians would not be a society of men. Nay, I will go so far as to affirm, that this supposed society, with all its perfection, would neither be of the greatest strength nor duration. In consequence of its being perfect, it would want the strongest ties of connection; and thus this very circumstance would destroy it.

Individuals might do their duty, the people might be obedient to the laws, the chiefs might be just, the magistrate

gistrate incorrupt, the soldiery might look upon death with contempt, and there might prevail neither vanity nor luxury, in such a state. So far all would go well; but let us look further.

Christianity is a spiritual religion, relative only to celestial objects: the Christian's inheritance is not of this world. He performs his duty, it is true; but this he does with a profound indifference for the good or ill success of his endeavours. Provided he hath nothing to reproach himself with, it is of little importance to him whether matters go well or ill here below. If the state be in a slourishing situation, he can hardly venture to rejoice in the public felicity, lest he would be pussed up with the inordinate pride of his country's glory; if the state decline, he blesses the hand of god that humbles his people to the dust.

It is farther necessary to the peace and harmony of society, that all the citizens should be without exception equally good Christians; for if unhappily there should be one of them ambitious or hypocritical, if there should be found among them a Cataline or a Cromwell, it is certain he would make an easy prey of his pious countrymen. Christian charity doth not easily permit the thinking evil of one's neighbour. No sooner should an individual discover the art of imposing on the majority, and be invested with some portion of public authority, than he would become a dignitary; Christians must not speak evil of dignities: thus respected, he would thence assume power. Christians must obey the superior powers. Does the de-

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positary of power abuse it? he becomes the rod by which it pleases God to chastise his children.

And would their consciences permit them to drive out the usurper, the public tranquility must be broken, and violence and bloodshed succeed: all this agrees but ill with the meekness of true Christians; and, after all, what is it to them, whether they are freemen or slaves in this vale of misery? Their essential concern is to work out their salvation, and obtain happiness in another world; to essect which, their resignation in this is held to be their duty.

Should fuch a state be forced into a war with any neighbouring power, the citizens might march readily to the combat without thinking of flight; they might do their duty in the field, but they would have no ardour for victory, being better instructed to die than to conquer. Of what consequence is it to them, whether they are victors or vanquished? Think what advantages an impetuous and fanguine enemy might take of their stoicism! Draw them out against a brave and generous people, ardently inspired with the love of glory and their country; suppose, for instance, your truly Christian republic against that of Sparta or of Rome; what would be the consequence? your devout Christians would be beaten, discomfited, and knocked on the head, before they had time to look about them; their only fecurity depending on the contempt which their enemy might entertain for them. It was, in my opinion, a fine oath that was taken by the foldiers of Fabius. They did not make a vow either to die or conquer; they fwore they would

would return conquerors, and punctually performed their oath. Christian troops could not have made such a vow, they would have been afraid of tempting the Lord their God.

But I am all this while committing a blunder, in speaking of a Christian republic; one of these terms necessarily excluding the other. Christianity inculcates servitude and dependence; the spirit of it is too favourable to tyrants, for them sometimes to profit by it. True Christians are formed for slaves; they know it, and never trouble themselves about conspiracies and insurrections; this transitory life is of too little value in their esteem.

Will it be faid, The Christians are excellent soldiers? I deny it. Produce me your Christian troops. For my part, I know of no true Christian soldiers. Do you name those of the Crusades? I answer, That, not to call in question the valour of the Crusaders, they were very far from being Christian citizens: they were the soldiers of the priest, the citizens of the church; they fought for its spiritual country, which, some how or other, it had converted into a temporal one. To set this matter in the best light, it was a kind of return to Paganism; for as the golpel did not establish any national religion, an holy war could not possibly be carried on by true Christians.

Under the Pagan emperors, the Christian soldiers were brave; of this all the Christian writers assure us, and I believe them; the motive of their bravery was a spirit of honour or emulation, excited by the Pagan M 2 troops.

troops. But when the emperors became Christians, this motive of emulation no longer subsisted; and when the Cross had put the Eagle to flight, the Roman valour disappeared.

But, laying afide political confiderations, let us return to the matter of right, and afcertain its true principles with regard to this important point. The right which the foical compact confers on the fovereign, extending no farther than to public utility *, the subject is not accountable to that fovereign on account of any opinions he may entertain that have nothing to do with the community. Now it is of great importance to a flate, that every citizen should be of a religion that may inspire him with a regard for his duty: but the tenets of that religion are no farther interesting to the community than as they relate to morals, and to the discharge of those obligations which the profesfor lies under to his fellow-citizens. If we except these, the individual may profess what others he pleases, without the sovereign's having any right to interfere; for having no jurisdiction in the other world, it is nothing to the fovereign what becomes of the citizens in a future life, provided they discharge the duties incumbent on them in the present.

There is a profession of faith, therefore, purely po-

litical,

In a republic, fays the Marquis d' A, every one is perfetilly at liberty, because no one may injure another. This is the invariable limit of republican liberty, nor is it possible to state the case more precisely. I cannot deny myself the pleasure of sometimes quoting this manuscript, though unknown to the public, in order to do honour to the memory of an illustrious and respectable personage, who preserved the integrity of the citizen even in the ministry, and adopted the most upright and salutary views in the government of his country.

fitical; the articles of which it is in the province of the fovereign to ascertain, not precisely as articles of religion, but as the sentiments due to society, without which it is impossible to be a good citizen or faithful subject. Without compelling any one to adopt these sentiments, the sovereign may also equitably banish him the society; not indeed as impious, but as unsociable, as incapable of having a sincere regard to justice, and of sacrificing his life, if required, to his duty. Again, should any one, after having made a public profession of such sentiments, betray his disbelief of them by his misconduct, he may equitably be punished with death; having committed the greatest of all crimes, that of belying his heart in the face of the laws.

The tenets of political religion should be few and simple; they should be laid down also with precision, and without explication or comment. The existence of a powerful, intelligent, beneficent, prescient, and provident Deity; a future state; the reward of the virtuous, and the punishment of the wicked; the sacred nature of the social contract, and of the laws; these should be its positive tenets. As to those of a negative kind, I would confine myself solely to one, by forbidding persecution.

Those who affect to make a distinction between civil and religious toleration, are, in my opinion, mistaken.

^{*} Cæsar, in pleading for Catiline, endeavoured to establish the doctrine of the mortality of the Soul; Cato and Cicero, in answer to him, did not enter into a philosophical discussion of the argument; but contented themselves with shewing that Cæsar had spoken like a bad citizen, and advanced a dogma pernicious to the state. And this was in fact in the only point that came before the Senate of Rome, and not a question in theology.

It is impossible to live cordially in peace with those whom we firmly believe devoted to damnation: to love them would be to hate the Deity for punishing them; it is therefore absolutely necessary for us either to persecute or to convert them. Wherever the spirit of religious persecution subsists, it is impossible it should not have some effect on the civil police; in which case, the sovereign is no longer sovereign even in a secular view; the priests become the real masters, and kings only their officers.

In modern governments, where it is impossible to support an exclusive national religion, it is requisite to tolerate all such as breathe the spirit of toleration toward others, provided their tenets are not contradictory to the duty of a good citizen. But whosoever should presume to say, There is no falvation out of the pale of our church, ought to be banished the state, unless indeed the state be an ecclesiastical one, and the prince a pontiff. Such a dogma is of use only in a theocratical government; in every other it is destructive. The reason which it is said Henry IV. gave for embracing the Roman Catholic religion, ought to have made an honest man reject it, and more particularly a prince capable of reasoning on the subject.

CHAP. IX.

The conclusion.

HAVING thus stated the true principles of politic law, and endeavoured to fix the state on its proper basis, it remains to shew in what manner it is supported by external relations.

Under this head would be comprehended, the laws of nations and commerce, the laws of war and conquest, leagues, negociations, treaties, &c. But these present a new prospect, too vast and extensive for so short a fight as mine; which should be confined to objects less distant, and more adapted to my limited capacity.

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PERPETUAL PEACE.

As a more noble, useful, and delightful Project never engaged the human mind, than that of establishing a perpetual peace among the contending nations of Europe, never did a writer lay a better claim to the attention of the public than he who points out the means to carry such a design into execution. It is, indeed, very difficult for a man of probity and sensibility, not to be fired with a kind of enthusiasm on such a subject: nay, I am not clear that the very illusions of an heart truly humane, whose warmth makes every thing easily surmountable, are not in this case more eligible than that rigid and forbidding prudence, which finds, in its own indifference and want of public spirit, the chief obstacle to every thing that tends to promote the public good.

I doubt not that many of my readers will be fore-armed with

with incredulity, to withstand the pleasing temptation of being persuaded; and indeed I sincerely lament their dulness in mistaking obstinacy for wisdom. But I flatter myself, that many an honest mind will sympathise with me in that delightful emotion, with which I take up the pen to treat of a subject so greatly interesting to the world. I am going to take a view, at least in imagination, of mankind united by love and friendship: I am going to take a contemplative prospect of an agreeable and peaceful society of brethren, living in constant harmony, directed by the same maxims, and joint sharers of one common felicity; while, realizing to myself so affecting a picture, the representation of such imaginary happiness will give me the momentary enjoyment of a pleasure actually present.

I could not resist the impulse of devoting a few lines, at the beginning of my performance, to a sentiment with which my heart is replete. Let us now endeavour to reason coolly on the subject. Being resolved to advance nothing which I cannot prove, I think myself authorised to desire the reader to deny nothing which he cannot consute: for I am not so much assaid of those who may argue, as of such as with-hold their assent to arguments to which they will nevertheless make no objection.

It requires no very long or close attention to the means of bringing any kind of government to perfection, to perceive many obstacles and embarrassments, which arise less from the nature of the constitution than from its external relations: so that the care, which ought to be devoted to the domestic policy of a state, is necessarily bestowed on secur-

ing its dependency; more pains have been taken to enable it to refift other states, than to improve its own government. If the social union were, as pretended, rather the effect of reason than the passions, how could men have been so long in finding out that they have always done either too much or too little for their own happiness; that individuals, being in a social state with regard to their sellow countrymen, and in a state of nature with respect to the rest of the world, they have only prevented civil bloodshed among particulars, to excite national wars, a thousand times more general and destructive; and that by attaching ourselves to the interest of particular persons, we become enemies to our whole species.

If there be any way to remove these satal contradictions, it is perhaps by a confederative form of government only; which, connecting whole nations by the same ties that unite individuals, may equally subject both the one and the other to the authority of the laws. This mode of government appears, besides, preferable to every other, as it comprehends at once the advantages both of great states and small ones: it is respectable abroad from its power; its laws are vigorously executed; and it is the only form which is adapted equally to restrain the subject, the magistrate, and foreign states.

This form of government, indeed, although it seem novel in some respects, and has been well understood only by the moderns, was not unknown to the ancients. The Greeks had their Amphictiones, the Tuscans their Leucumoni, the Latins their Feriæ, the Gauls their cities, and the expiring state of Greece became samous for the

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Achean League. None of those ancient consederacies, however, displayed so much wisdom as the modern ones of the German Empire, the Helvetic League, or the union of the States-General. If these bodies-politic also are still but sew, and far from being arrived at that perfection they are capable of, it is because the best of them is not so easily put in execution as may be imagined; and that in politics as well as in morals, the extent of our knowledge proves hardly any thing any more than that of our missortunes.

To these public confederacies may be added others not less real, though less apparent, which are tacitly formed by the union of interests, a conformity of maxims, a similarity of customs, and various other circumstances which admit certain common relations to subsist even between divided nations. Thus it is that all the powers of Europe form a kind of system among themselves, which unites them by the same religion, by the same law of nations, by morals, literature, commerce, and by a fort of eduilibrium which is the necessary result of them all; and which, though nobody studies to preserve, is not so easily destroyed as many people imagine.

The national fociety has not always subsisted in Europe; the particular causes, which first gave rise to it, still serving to preserve and maintain it. In fact, before the Roman conquests, the people of this part of the world were all barbarians, unknown to each other: they had nothing in common but the most simple faculties of human beings; faculties that, debased by slavery, hardly raised them a degree above the brutes. Hence the Greeks took upon

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them out of their philosophical vanity, to distinguish mankind, as it were, into two species; one of which, viz. their own, was formed to command; and the other, comprehending the rest of the world, to obey. It followed from this principle, that a Gaul or an Iberian was looked upon by a Greek, as we look upon a Hottentot or a North-American Indian: while the barbarian nations themselves bore as little affinity to each other, as the Greeks bore to any of them.

But when this people, naturally pre-eminent, had been fubdued by the Romans their flaves, and great part of the known world had fubmitted to the fame yoke, a civil and political union of course formed itself between the several members of the same empire; an union that was rendered much closer by that very wise or very foolish maxim, of conferring on the vanquished the rights and privileges of the victors; and more particularly by the samous decree of Claudius, which admitted all the subjects of Rome into the number of Roman citizens.

To the political chain, which thus united all the members in one body, were now added civil institutions and laws, which gave new force to such connections, by determining, in a clear, precise, and equitable manner (at least as far as the extent of so vast an Empire would admit of) the reciprocal rights and duties of the sovereign and subjects, as well as those of the latter among themselves. The Theodosian code, and after that the books of JUSTINIAN, formed new links in the chain of reason and justice, aptly substituted for those of the soverign power, which were in a very palpable state of relax-

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ation. This substitute greatly delayed the dissolution of the Empire, and long maintained its drooping jurisdiction over those very barbarians who were working its desolution.

A third tie, still stronger than the preceeding, was that of religion: nor can it be denied that Europe is particularly indebted to Christianity for that kind of focial union which is constantly kept up between its members: fo that the people which have not adopted the fentiments of the rest, in this particular, have always remained aliens among them. Christianity, the subject of contempt, at its rife, ferved at length as an afylum to its detractors: nay, the Roman empire itself, after having so cruelly and vainly perfecuted it, found in it those resources which it could not draw from its military power. Its missions were of more service than its conquetts. It fent Bishops to repair the blunders of its Generals, and triumphed by its Priests when its Soldiers were defeated. It was thus the Franks, the Goths, the Lombards, and a thousand others, fubmitted to the authority of Rome, after they themselves had reduced her empire; and received with the law of the Gospel, that of the Prince who first caused it to be promulgated among them.

Such was the respect still paid to that imperial body, that its destroyers prided themselves in its titles, even in its expiring moments; while those very conquerors, who had debased the Empire, became officers of it; and the greatest Kings contended for Patrician honours, governments, and consulships: even as a lion cringing to the man he might devour, those tremendous victors paid ho-

mage to that throne which they had the power to subvert when they pleafed.

It was thus the Priesthood and the Empire formed a focial chain between various people; who, without having any real connection of interests, privileges, or dependence, enjoyed a community of maxims and opinions; the influence of which has remained after the principle has been destroyed. The ancient state of the Roman Empire hath continued to form a kind of union between the members of which it was composed: while Rome possessing another fort of dominion after the dissolution of the Empire, there resulted from this twofold connection a closer society among the nations of Europe, where the centre of the two powers had existed, than in other parts of the world, where the inhabitants are too much dispersed to hold correspondence with each other, and have besides no particular point of union.

Add to this, the peculiar situation of Europe, more equally populous and sertile, better connected in its several parts; the continual admixture of interests, which consanguinity, commerce, arts, and navigation, continually effect between sovereigns; the multitude of rivers, and diversity of their course, which facilitate the communication of different parts; the inconstancy of the inhabitants, which induces them to travel and pass frequently from one country to another; the invention of printing, and prevailing taste for letters, which hath formed a community of knowledge and studies; and lastly, that multiplicity and small extent of many states, which, added to the calls of luxury, and to the diversity of climates,

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render the one always necessary to the other: all these things united form in Europe, not merely, as in Asia or Africa, an ideal collection of people, who have nothing but a nominal community between them; but an actual society, which has its religion, morals, customs, and and even its laws, from which none of the people composing it can separate without causing an immediate disturbance.

To behold, on the other hand, the perpetual dissensions, depredations, usurpations, rebellions, wars, and murders, which are constantly ravaging this respectable abode of philosophers, this brilliant asylum of the arts and sciences; to reslect on the sublimity of our conversation and the meanness of our proceedings, on the humanity of our maxims and the cruelty of our actions, on the meekness of our religion and the horror of our persecutions, on a policy so wise in theory and so absurd in practice, on the beneficence of sovereigns and the misery of their people, on governments so mild and wars so destructive; we are at a loss to reconcile these strange contraricties, while this pretended fraternity of European nations appears to be only a term of ridicule, serving ironically to express their reciprocal animosity.

And yet, in all this, things only take their natural course; every society destitute of laws or magistrates, every union formed or supported by chance, must necessarily degenerate into quarrels and distensions upon the first charge of circumstances. The ancient union of the European nations hath render their interests and privileges extremely complicated: they bear against each other in so

many points, that the least agitation of any one puts the whole in motion. Their dissensions are also by so much the more fatal as their connections are intimate; while their frequent quarrels are almost as unnatural and cruel as civil wars.

It must be admitted, therefore, that the present relative state of the European powers is a state of war; and that the partial treaties subsisting between some of them, are rather temporary truces, than a state of actual peace; whether it be owing to those treaties having no other guarantees than the contracting parties, or that their respective rights are never duly ascertained, and the pretensions thence subsisting among powers who acknowledge no superior infallibly prove the source of new wars, as soon as different circumstances empower the pretenders to assert their claims.

To this it may be added, that the law of nations not being universally concerted and established, but having no general principles, and incessantly varying according to time and place, it is sull of contradictory maxims, which can never be reconciled but by the right of the strongest so that the judgment being without a sure guide, and always biassed in doubtful cases by self-interest, war becomes sometimes inevitable, even when both parties may be desirous of acting justly. All that can be done, with the best intentions, therefore, is to decide this kind of disputes by force of arms, or to palliate them by temporary treaties. But no sooner is occasion taken to revive the cause of quarrel, than it takes a new form, and all is complication and consustion: the real grounds of the affair are not to be seen; usurpation passes for right,

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and weakness for injustice; while, amidst the general disorder, every one finds himself insensibly so far displaced, that, if it were possible to recur to the real and primative right, there would be few sovereigns in Europe who ought not to refund every thing they possess.

Another fource of war, less obvious though not less real, is, that things do not change their form in changing their nature; that states which are hereditary in fact, remain elective in appearance; that there are parliaments or national states in monarchies, and hereditary chiefs in republics; that one power really dependent on another, still preserves the appearance of liberty; that all the subjects of the same sovereign are not governed by the same laws; that the order of succession is different in different provinces of the same state; in sine, that all governments naturally tend to a change, without there being a possibility of preventing it. Such are the general and particular causes which connect us for our ruin, and lead us to describe the charms of social virtue with our hands constantly stained with human gore.

The causes of an evil being once known, the remedy, if any such there be, is sufficiently indicated by the same means. It is plain to every one, that society is formed by a coalition of interests; that every differnion arises from an opposition of interests; that, as a thousand fortuitous events may change and modify both the one and the other, it is necessary that every society should possess a coercive force, to direct and concert the movements of its several members, in order to give their common in-

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terests and reciprocal engagements that folidity which they could not separately acquire.

It would otherwise be a great mistake to suppose, that such a state of constraint could ever change, merely from the nature of things, and without the assistance of art. The present system of Europe hath attained precisely that degree of solidity, which may keep it in a perpetual agitation, without ever effectually subverting it: thus, if our misfortunes cannot be increased, they are still less capable of being put an end to; because no great revolution can now ever happen.

To prove this, as far as it is necessary, we shall begin with taking a general view of the present state of Europe. The situation of the mountains, seas, and rivers, which serve as boundaries to the several nations inhabiting it, seem also to have determined the number and extent of those nations; so that the political order of this part of the world may be said to be, in some respects, the work of nature.

In fact, we are not to suppose that the boasted balance of power in Europe hath been actually established; or that any body has done any thing really with a view to support it. It is found, indeed, to exist; and those who find they have not weight enough to destroy it, cover their own particular designs with the pretence of maintaining it. But whether attended to or not, this balance certainly subsists, and needs no other support than itself, if it were to remain uninterrupted: nay, though it should occasionally be disturbed on one side, it presently reco-

vers itself on the other: so that if the princes, who are accused of aspiring to universal monarchy, were really so afpiring, they displayed in this particular much more ambition than judgment; for how could they reflect a moment on fuch a project, without discovering it to be ridiculous? How could they be infensible, that there is no power in Europe fo much superior to the rest, as to be able ever to become their master? Those conquerors, who have brought about great revolutions, have always effected it by the fudden march of unexpected armies; by bringing foreign troops, differently trained to war, against people difarmed, divided, or undisciplined: But where shall we find an European prince whose forces the others are not acquainted with? where find one to fubdue the rest, when the greatest of them all forms so small a part of the whole, and they are all fo vigilant against each other's encroachments? Can any one maintain more troops than all the rest? He could not; or, if he could, he would only be the fooner ruined, or his troops would be fo much the worfe as they were more numerous. Could he have them better disciplined? They would be less in proportion. Besides, military discipline is nearly the same, or shortly will be so all over Europe. Can he have more money? Pecuniary refources are common, and money never was known to make any great conquests. Could he make a sudden invasion? Want of fublishence, or fortified towns, would every moment oppose his progress. Would he infensibly augment his power and dominion? He will then afford his enemies the means of uniting to refift him: time, money, and N 2

men, will foon fail him. Will he create diffensions among other powers, in order to conquer them one after another? The maxims of European policy will render that scheme inessectual; nor could the weakest of princes be taken in such a snare. In short, not one of them having exclusive resources, the resistance he will meet with must at length equal his efforts; and time will soon repair the casualties of sortune, if not with regard to each particular prince, at least with regard to the general system.

Will it be supposed, that two or three potentates might enter into an agreement to fubdue the rest! Be it so. These three potentates, be who they may, will not possess half the power of all Europe. The other parts will, therefore, certainly unite against them; and to succeed, they must be able to subdue a power greater than themfelves. Add to this, that the views of any three fuch powers are too opposite, and their jealousy of each other too great, ever to permit the forming of fuch a project; and also, that if they had formed it, and actually begun to put it into execution with fuccess, that very fuccess would fow the feeds of diffention among the allied conquerors, as it would be morally impossible that their conquests should be so equally divided that each should be fatisfied with his acquisition: in which case the disfatisfied party would of course oppose the progress of the others; who, for the like reasons also, would soon disagree between themselves.

I much doubt if, fince the world existed, there ever were seen three, or even two, great potentates, that cordially about the contingencies of the war, or their share of the conquest; and affording, by their misunderstanding, new resources to the weaker party. Thus, suppose what we will, it is highly improbable that any prince, or league of princes, will hereafter be able to effect any considerable and permanent change in the political state of Europe.

Not that I pretend to fay that the Alps and Pyreneans. the Rhine or the Sea, are infurmountable obstacles to ambition: but these obstacles are supported by others, which strengthen them, or serve to make states recur to their former limits, whenever they have been occasionally removed. The prefent fystem of Europe has its support in a great measure, in the arts of political negociations, which almost always balance each other. But it hath a still more folid support in the Germanic body; fituated almost in the centre of Europe, keeping the other parts in awe, and ferving more effectually perhaps to the support of its neighbours than to that of its own members; a body that is formidable to other states on account of its extent, and the number and wealth of its inhabitants, at the same time that it is useful to all by its constitution; which depriving it of the means and inclination of making conquests, is the rock on which conquerors generally split. It is certain, that, notwithstanding the defects in the constitution of the Empire, the balance of power in Europe will never be destroyed so long as that conflitution fubfifts; that no potentate need be apprehenfive of being dethroned by another; but that the

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treaty of Westphalia will be always the basis of our political system. Thus the law of nations, the study of which is so much cultivated in Germany, appears to be of much greater importance than is generally imagined; being not only the law of Germany, but in some respects, that of all Europe.

But though the present system is not to be removed, it is for that very reason the more tempestuous; as there subsists between the European powers a kind of continual action and re-action, which without entirely displacing them, keeps them in constant agitation; their efforts being always ineffectual and always regenerating, like the waves of the ocean, which incessantly agitate its surface without raising it above the shore: so that the people are perpetually harrassed, without any sensible advantage being derived from it to their sovereign.

It would be easy for me to deduce the same truth from the particular interests of all the courts in Europe: for I could readily shew, that these interests are so connected as to restrain their forces within reciprocal respect. But the notions of wealth and commerce having given rise to a species of political fanaticism, they occasion such sudden changes in the apparent interests of princes, that no stable maxim can be established upon those which are the true: because at present every thing depends on economical, and most of them whimsical principles, which are taken into the heads of ministers. Be this, however, as it may, commerce, which tends daily to an equilibrium, will by depriving some potentates of their exclusive ad-

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vantages, deprive them, at the same time, of one of the greatest means they possessed of giving laws to others *.

If I have infifted on that equal distribution of power which results from the present constitution of Europe, it has been in order to deduce from it an important inference regarding the establishment of a general association: for to form a folid and durable confederacy, it is requifite that all the members of it should be under such reciprocal dependence, that no one of them should be in a capacity to withstand all the rest; and that such particular associations as might injure the general one, should meet with obstacles sufficient to prevent their execution: for, without this, the confederacy would be fruitless, and each member, though under an apparent subjection, would be really independent. Now, if these obstacles are such as I have before described, even at present, when all the powers of Europe are at liberty to make with each other what treaties offensive or defensive they please; let the reader judge what would be the case if one grand confedracy were entered into, armed with power, and always ready to oppose such as would attempt to disturb or destroy it. This fuffices to shew, that such an affociation

^{*} There has been a change of circumstances since I wrote the above; my principle, nevertheless, will always remain true. Thus for example, it is easy to foresee, that, before twenty years are at an end, England, glorious as it now is, will be undone, and will besides have lost the remainder of its liberty. It is generally affirmed, that agriculture flourishes in that island; but for my part, I would venture to lay a wager it is upon its decline. London is daily increasing, the country therefore must be depopulating. The English are proud of being conquerors, it will not therefore be long before they are slaves.

would not confift of futile deliberations, which each party might difregard with impunity; but that there would arise from it an efficient power, capable of restraining the ambitious within the limits of the General Treaty.

From this state of the case may be deduced three incontestable truths. One is, that, if we except the Turk, there subsists between all the nations of Europe a social connection; which, though but imperfect, is still closer than the looser ties of humanity in general. The second is, that the imperfect state of this society makes the condition of those who compose it worse than it would be if they had no society at all among them. The third is, that the primitive ties, which makes this society hurtful, render it at the same time, improveable, and more easy to be brought to perfection: so that all its constituents might derive their happiness from that which is at present the cause of their misery; and convert that state of war, which now subsides among them, into a perpetual peace.

Let us inquire now in what manner this great work, commenced by fortune, may be compleated by reason; and how that free and voluntary society, which unites all the European states, assuming the force and solidity of a body truly political, may be converted into a real confederacy. It is indubitable that such an establishment, given to this association its necessary perfection, would remove its abuses, extend its advantages, and compel all parties to concur to the common good. But to this end it is necessary that no considerable power should resuse to

enter into the affociation; that a judiciary tribunal should be established, invested with authority to institute such laws and regulations as all the members are to obey; that this tribunal be invested with a coercive and coactive force to compel each particular state to submit to the result, whether active or restrictive, of the general deliberations; in short, that it be fixed and durable, to prevent the feveral members from withdrawing themselves from it at pleasure, whenever they conceive their own particular interests incompatible with the general. These are the tokens by which it might be certainly known if the inftitution were prudent, ufeful, and impregnable. We come now to extend this supposition, in order to find out by analysis what effects ought to result from such a confederacy; what means are proper to establish it, and what reasonable hope may be formed of its being carried into execution.

It is a custom among us, for a kind of general diets to assemble, from time to time, under the appellation of a Congress; to which envoys are solemnly deputed from all the states of Europe, to return back just as they went; for they either meet to say nothing, or to treat of public affairs as if they were private, to deliberate gravely whether the table should be round or square, whether there shall be more or sewer doors to their assembly-room, whether a certain plenipotentiary should sit with his sace or his back toward the window, whether another should advance a foot more or less on a visit of ceremony, or on a thousand other points of the like importance, inessectu-

ally debated for these three centuries past, and undoubtedly well worthy to employ the politicians of the present.

It is possible that the members of some one of these asfemblies may be endowed with common sense; it is not even impossible that they may be sincerely disposed to the public good; and by the reasons hereaster to be deduced, it may be conceived, that, after having obviated many dissiculties, they may have orders from their respective sovereigns to sign the general consederacy; a summary of which I suppose to be contained in the five following articles.

By the first, the contracting sovereigns should establish between themselves a perpetual and irrevocable alliance; appointing plenipotentiaries to hold a fixed and permanent diet, or congress, at a certain place; in which diet all the differences arising between the contracting parties shall be regulated and decided by way of arbitration.

By the second, the number of sovereigns should be specified whose plenipotentiaries are to have votes in the Congress, with those who should be invited to accede to the treaty; also the order, time, and manner, in which the office of President is to pass from one to another at equal intervals; and, lastly, the respective quota of contributions, and the manner of raising them, to supply the general expences.

By the third, the confederacy should guarantee to each of its members the possession and government of all the states it at present possesses, as well as the elective or hereditary succession, as it may be established by the funda-

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mental laws of each country. In order also to cut off at once the source of disputes incessantly recurring among them, it should be agreed to make the actual possession and the treaties last concluded, the basis of the mutual rights of the contracting powers; who are to renounce for ever and reciprocally all their prior pretensions, except suture successions liable to be contested, and other rights in reversion, which are to be determined by arbitration at the diet, without the parties being ever permitted to do themselves justice by force, or to take up arms against each other, under any pretence whatever.

By the fourth, it should be specified that every ally, who shall break the treaty, shall be put under the ban of the empire, and proscribed as a common enemy; that is, if he refuses to comply with the decisions of the diet, makes preparations for war, negotiates treaties repugnant to the confederacy, or takes up arms to resist or attack any of the allies. It should be farther agreed also, by the same article, that all the contracting parties shall arm themselves to act offensively, jointly, and at the common expence, against every state put under the ban of the empire, until such state shall lay down its arms, and submit to execute the determinations of the congress, repair the wrongs, reimburse the expence, and even compensate for making preparations for war contrary to creaty.

And, lastly, by the fifth article, the plenipotentiaries of the European confederacy should always be empowered to form, in the diet, such regulations as shall be judged expedient to procure all possible advantage to the whole of the European Republic, and its several members, in consequence

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consequence of instructions from their respective courts, and having a majority of votes for the proposition of such regulations, and three-fourths sive years after for their final determination. But that no alteration shall ever be made in these sive fundamental articles, without the unanimous consent of the whole consederacy.

I know not but these articles, thus concisely expressed and couched in general terms, may be liable to a thoufand little objections, many of which may require explanations more at large, but little difficulties eafily yield to necessity, and are of no consequence in a project of such importance as the present. When the regulation of the Congress itself should come to be minutely considered, no doubt a thousand obstacles will present themselves; but there will be found ten thousand ways of removing them. The point in question now is, Whether, from the nature of things, the project be or be not possible. A man might write volumes to no purpose, if every exigence were to be foreseen, and its expedient provided. So long as one adheres to incontestable principles, it is not requilite to convince every one's understanding, to obviate all objections, or to point out particularly how things are to be brought about. It is fufficient to shew, that what is proposed is not impracticable.

What remains, therefore, to be examined, in order to form a Judgment of our fystem? Only two questions; for I would not affront the reader's understanding so much as to offer to prove that peace is, in general, preferable to war.

The first of these questions is, Whether the confederacy proposed

proposed will certainly attain the proposed end, and prove sufficient to secure a solid and lasting peace to Europe?

The second is, Whether it be the interest of sovereigns to establish such a confederacy, and buy a constant peace at such a rate?

If the general and particular utility of our project may thus be demonstrated, there will appear no longer any cause, in the reason of things, that can prevent the affects of an establishment that depends altogether on the will of those who are interested in it.

To begin with the discussion of the first article, let us apply what has been already advanced on the general system of Europe, and the common effort which confines each potentate in a certain degree within his own limits, and prevents his encroaching so far as to prove the entire destruction of others. To make my arguments also on this head more clear, I shall here subjoin a list of the nineteen potentates which may be conceived to constitute our European Republic; each of which having an equal vote, there will of course be nineteen votes in the congress.

The Emperor of the Romans.

The Emperor of Russia.

The King of France.

The King of Spain.

The King of England.

The States-General.

The King of Denmark.

Sweden.

Poland.

The King of Portugal.

The Sovereign of Rome.

The King of Pruffia.

The Elector of Bavaria and his affociates.

The Elector Palatine and his affociates.

The Swifs and their allies.

The Ecclesiastical Electors and their affociates.

The Republic of Venice and her affeciates.

The King of Naples.

The King of Sardinia.

The many less considerable sovereigns, such as the Republic of Genoa, the Dukes of Modena and Parma, with several others omitted in this list, are to be joined to the least powerful of those mentioned, in form of association, enjoying a right to vote with them, after the manner of the votum euriatum of the Counts of the empire. It were useless to give here a more particular enumeration, because accidents may daily arise to give occasion for reforming our project, even to the very moment of putting it in execution. Such accidents, however, make no alteration in the basis of our system.

One need only cast an eye on the above list, to perceive very evidently, that it is impossible for either of the powers composing it, to be in a situation capable of opposing all the others united; or that any partial league can be formed among them, able to make head against the grand confederacy.

For how would such league be formed? Would it be concerted by some of the most powerful princes? We have already shewn, that even in such a case it could not

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he durable; and it is now easy to see farther, that it is inconsident with the general system of every great potentate, and with the interests inseparable from their constitution. Would such a league be concerted between one great state and several small ones? The other great powers, united in one confederacy, would presently crush it: it is indeed natural to suppose, that the grand alliance being always united and armed, it would be easy for it, by virtue of the fourth article, to prevent, or instantly to suppress, every partial and seditious alliance that should tend to disturb the public tranquillity.

Observe what happens in the Germantic body, notwithstanding the abuse of its police, and the great inequality of its members; is there yet one, even of the most powerful, among them, that will venture to expose himself to the ban of the Empire, by directly infringing the laws of its constitution? unless he has reason, indeed, to think that the Empire will not act in earnest against him.

I look upon it, therefore, as demonstrated, that, if the European congress were once established, there would be no danger of future rebellions; and that though some abuses would probably be introduced, they never could proceed so far as to elude the design of the institution. It remains now to inquire, Whether that design will be properly effected by the institution itself.

To this end, we shall consider the motives which induce princes to take up arms. These are either to make conquests, to defend themselves against invaders, to reduce a too powerful neighbour, to protect the injured, to

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decide disputes that cannot be amicably adjusted, or, lastly, to enforce obedience to treaties. There can be no cause or pretex for war that may not be ranged under one of these six heads: now it is evident, that not one of all the six can subsist in the new state of things under a consederacy.

In the first place, all hopes of conquest must be given up, from the impossibility of making any; it being certain, that whoever attempts it must be presently stopped in his career by a superior force; so that he will risk the losing his all, while he is sure he cannot gain any thing. Every ambitious prince, desirous to aggrandize himself in Europe, does two things: he begins by strengthening himself with good alliances; after this, he endeavours to surprise his enemy unprovided. But particular alliances will avail nothing against a general and stronger one always subsisting; while princes, having no longer any pretext to take up arms, they cannot take such a step without being perceived, prevented, and punished by the consederacy, which is constantly in arms.

The same reason which takes from each prince the hope of conquest, takes from him also the sear of being conquered; his dominions, guaranteed by all Europe, being as well secured to him as the estates of private subjects in a well-governed kingdom; nay more so, even in the same proportion as their sovereign, their sole projector, is less powerful than the potentates of all Europe united.

There would no longer be excited a defire to reduce a neighbouring power, from whom there would be no longer any thing to fear; nor would there even be any temp-

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tation to it when there would exist no hopes of success. With regard to the maintenance of the rights of each party, it may be remarked, at first view, that a deal of chicanery, with many obscure and confused pretensions, will be annihilated by the third article of the confederacy; which definitively regulates all the reciprocal rights of the allied fovereigns, on the footing of their actual poffeffions. Hence all possible pretentions and demands will become clear for the future, and be determined by the congress, as they occasionally arise. Add to this, that if my rights are infringed, I ought to defend them by the fame means. Now as no one can encroach upon them by force of arms, without incurring the ban of the congress; so it is no longer necessary that I should by force of arms defend them. The fame may be faid of slighter injuries, wrongs, and reparations, and of all the unforefeen differences that may arise between sovereigns. The fame power which protects their rights, ought also to redress their grievances.

As to the last article, its solution is evident. It is plain, at first sight, that, as there is no aggressor to be feared, there is no need of any defensive treaty; and that, as none could be formed more solid and effectual than that of the grand confederacy, every other would be use-less, unlawful, and of course null and void.

It is impossible, therefore, that the confederacy being once established, should there remain any seeds of hostility among the confederates, or that the design of a perpetual peace should not be fully accomplished by the execution of the system projected.

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It remains now for us to examine the other question, respecting the interests of the several contracting parties: for it is easily discernible, that the public interest may plead in vain against that of individuals. To prove that peace is, in general, preserable to war, would be saying nothing to one who should think he had reasons to preser war to peace; while to point out the means of establishing a lasting peace, would be only to excite him to oppose it.

It may indeed be faid, that fovereigns will, by this project, be deprived of the right of doing themselves justice, or of doing injustice to others, when they please; they will be deprived of the power of aggrandizing themselves; they must renounce that formidable pomp of power with which they delight to terrify the world, and that glory of conquest from which they now derive honour. In fine, they will be reduced to the necessity of being just and peaceable. What will be their indemnification for the loss of all these?

I will not venture to reply, with the Abbe de ST PI-ERRE, that the real glory of princes confifts in their promoting the public good and the happiness of their subjects; that their true interest depends on their glory, and that the glory they acquire in the opinion of the wise is proportioned to the service they are of to mankind; that the project of a perpetual peace, being the greatest that ever was formed, ought to confer immortal glory on its author; that the putting it into execution, being in like manner, the most useful to subjects, would be still more glorious to sovereigns; that this enterprize would be particularly ticularly the only one unfullied with blood and rapine, with forrow and execration; and in fine, that the most certain way for a prince to distinguish himself among the herd of kings, is to labour for the public good. Such are the sentiments which, broached in the cabinet of princes, have brought ridicule on the author and his projects. But let us not, like them, despise his reasons: we have nothing to do with the virtues of princes; let us speak of their interests.

All the powers of Europe have real or groundless demands on one another, which are incapable of being elearly afcertained, because there is no constant and common rule by which to determine them, and also because they are often founded on equivocal and uncertain facts. The differences hence arising also are equally indeterminable, as well from want of competent arbitrators, as because each power reclaims, without scruple, those cessions, which have been exacted of him by the more powerful, in the way of treaty, or after unsuccessful wars. It is an error, therefore, to infift only on our claims on others. without reflecting on their claims on us, when there is on neither fide either more justice or advantage in the means of enforcing our reciprocal pretentions. No fooner doth any thing depend on accident, than the actual possession is of fuch value, that no wife man will risk it for future profit, even upon on equal chance; whilst all the world must blame a man, who, in easy circumstances, should, in hopes to double his fortune, venture the whole on one cast of the dice.

But it has been made clear, that, even as things now O 2 fland.

stand, every power ambitious of aggrandizing itself, must meet with a resistance superior to its utmost efforts: whence it follows, that the strongest having no motive for playing, nor the weakest any prospect of winning, it becomes the interest of both, to give up what they covet, in order to secure what they posses.

Let us consider the wast of men, of money, of powers of every kind, and in what manner every state is exhausted even by the most successful war; and compare the injuries it has received with the advantages it has derived from it; we shall find the imaginary winner is still a loser; and that the conqueror, always weaker than before the war commenced, has no other consolation than to see the vanquished more exhausted than himself: while even this advantage is less real than apparent; because the superiority, which may be acquired over an adversary, hath in the mean time, been lost with regard to neutral powers; which, without varying their situation, grow so much the stronger, with regard to us, as we grow weak.

If all Kings are not yet convinced of the folly of making conquests, it appears, at least, that the wisest of them begin to see that they cost more than they are worth. Without entering into a thousand distinctions on this head, which might lead us too far out of the way, it may be said, in general, that a Prince, who, by enlarging his territories, loses as many old subjects as he acquires new, becomes weaker by his acquisition; because, with more territories to defend, he hath no more subjects to defend it.

Now, it is well known, that, as wars are carried on at prefent,

present the destruction caused among the soldiery is one of the least causes of the depopulation they occasion. It is there, indeed, that the loss is more immediately felt; but there is occasioned, at the same time, a more important and irreparable loss than that of those who perish, by the want of such as might otherwise be born; by the increase of taxes, by the interruption of commerce, by the desertion of the country, and the decrease of agriculture: thus the evil, which is at first hardly perceptible, is cruelly felt in the end; when we are assonished at our having been so weak as to endeavour to become powerful.

But what renders conquests still less interesting, is, that means are known at prefent, by which princes may increase their power two or three fold, not only without extending their territories, but fometimes by contracting them, as was very wifely done by the Emperor Adrian. It is now obvious, that the power of princes depends on the number of their subjects; and it is a truth naturally arifing from what has been advanced, that of two states, containing the fame number of inhabitants, that which occupies the smallest territory is actually the most powerful. It is then by means of good laws, by a prudent police, by enlarged views of economy, that a wife fovereign is certain of augmenting his forces, without putting any thing to the hazard: the real conquests he makes over his neighbours are the useful establishments he forms within his own kingdoms; while every additional new-born subject increases his power as much as if he had destroyed an enemy.

It must not be here objected, that I prove too much, in that, if things were as I represent them, each prince having an interest in abstaining from war, and his particular interests uniting with the general to the preservation of peace, such peace ought naturally to establish and support itself without a confederacy. This would be to reason very badly on the present state of things; for, though it would certainly prove more advantageous to all parties to be constantly at peace, the general want of security in this case has this effect, that each party, being uncertain of keeping out of wars, strives to commence hostilities at least with advantage, on every favourable occasion; whence it happens, that many, and these even offensive, wars, proceeds from the unjust precaution of fecuring one's own possessions, rather than from the defign of usurping those of others. However falutary, indeed, all public-spirited maxims may be in general, it is certain, that, if we confider them only in a political, nay, even fometimes in a moral view, they become hurtful to the party who perseveres in the practices of them towards the rest of the world, when nobody will practife them towards him.

I have nothing to fay on the parade of arms; because, being destitute of all solid soundation, whether of hope or fear, such parade is mere childrens play, and monarchs ought not to dandle puppers. I shall be as silent also on the glory of conquerors; because if there be some monsters who regret the want of objects to massacre, they ought not to be reasoned with, but deprived of the means of gratifying their sanguinary sury.

The

The guaranty of the third article superseding all motives for making war, there can be no better reason for any potentate's declaring it against others, than they will have for commencing hostilities against him: at the same time, it is certainly a great advantage to be secured from the risk of being in the situation wherein one is singly opposed to all.

With regard to the dependence of each party on the common tribunal, it is very clear, that it will not diminish their separate claims to sovereignty; but will, on the contrary, rather confirm fuch claims; which are rendered more certain by the third article; according to which, each power gaurantees not only its own states against all foreign invasion, but also its sovereign authority over its fubjects. Thus princes will not become the less absolute for entering into this confederacy, but will be more immoveably fixed on their respective thrones; while, by fubmitting to the judgment of the Congress in their difputes with their equals, and by divesting themselves of the dangerous power of seizing upon the property of others, they will render their actual rights more fecure, by renouncing those which are false or doubtful. Add to this, that there is a wide difference between a dependence on others, and on a body-corporate, of which each party is always a member, and in his turn the prefident: for in the latter case, his independency is only the more ascertained by the guarantees afforded him. It would be alienated in the hands of a master, but is confirmed in those of affociates.

This is confirmed by the example of the Germanie body.

body; for, though the fovereignty of its members be varied, in many respects, by the constitution of the Empire, and are of course in a less agreeable situation than they might be as members of the European consederacy, there is nevertheless not one among them, how jealous soever he may be of his authority, who would render his independence absolute, were it in his power, by detaching himself from the rest of the Empire.

It is farther to be observed also, that the Germanic body, having a permanent chief, his authority is constantly tending to usurpation; a circumstance that could never happen in the European Congress, where the president-ship would be alternate, and no respect would be had to the inequality of the several potentates.

To all these considerations may be added another, still more important to people who are so fond of money as princes always are: this is, the facility of amassing a great quantity, from the advantages resulting, both to them and their people, from a perpetual peace; considering the vast expense that will be saved in the article of militiary preparations, in the keeping up of fortifications, and the support of numerous troops, which eat up the revenues, and become every day more burdensome both to prince and subject.

I am sensible that it is not convenient for sovereigns to disband all their forces, and to have no troops ready to repel sudden invaders, and to suppress popular insurrections. I am sensible, also, that the several members of the confederacy will be obliged to surnish their contingents, as well for guarding the frontiers of Europe, as for

the support of the confederate army destined occasionally to enforce the determinations of the Congress. But when all those charges are defrayed, and the extraordinary expences of war totally suppressed, there will still be a faving of more than half the prefent military expences; which will leffen the burthen laid on the fubject, and fill the coffers of the fovereign: fo that the people will be fubject to much fewer taxes; and the prince, being much enriched, would be enabled to give encouragement to trade, agriculture, and arts, as well as to lay the foundation of useful establishments that would still farther increase his and his people's wealth. Add to this, that the independence of the state would derive from such means a much greater fecurity than it could do from the maintenance of national troops, and that military pomp, which is constantly exhausting it in the midst of peace.

It will be faid, perhaps, that the frontier countries would be then in a more disadvantageous situation, and would still have as many wars to maintain against the Turks, the Tartars, and the Corsairs of Africa.

To this I answer, first, That those countries are, as it is, in the same circumstances; and that therefore our project would be of no positive disadvantage to them though less advantageous than it might be to others; this being an unavoidable inconvenience, to which their situation naturally exposes them. Secondly, That by being freed from any apprehensions of danger on the side of Europe, they would be much better able to oppose their other enemics. Thirdly, That the demolition of the fortresses

fortresses in the interior parts of Europe, and the faving of the expences necessary for their support, would enable the confederacy to establish a great number of fortresses on the frontiers, without expence to any particular member. Fourthly, That fuch fortreffes, built, garrifoned, and maintained at the common expence, would prove a fecurity, as well as a faving of charges, to the potentates on the frontiers, whose states they would more immediately protect. Fifthly, That the troops of the confederacy, flationed on the confines of Europe, would be always ready to repel any invader. And, fixthly, That a body so powerful as the European Republic, would be too formidable for foreign princes, for them to entertain a defign of attacking any of its members; fince we fee the Germanic body, though much less powerful, is yet fufficiently fo to awe its neighbours into respect, and to afford an ufeful protection to the princes composing it.

It may be objected farther, that, should the Europeans cease to make war on each other, the military art would soon fall into neglect and oblivion; that their troops would loose their courage and discipline; that there would no longer exist either generals or soldiers; and that Europe would thus lie at the mercy of the first foreign invader.

To this I reply, that one of these two things must happen; either that our neighbours of the other parts of the world would make war on Europe, or that they would respect the consederacy so much as to leave it in peace.

Now

Now, in the first case, there would be opportunities enough of cultivating military talents, in raising and forming troops. The armies of the confederacy would be, in that respect, the school of Europe; people would repair to the frontiers to learn the art of war, while the arts of peace would flourish in the interior parts, and thus the advantages of both would be united. Can it be thought necessary that we should be always cutting one another's throats, to cultivate the art of war? or are the French less brave, because the provinces of Anjou and Toursine are at peace with each other?

In the second case it must be owned, that no opportunity would be left of cultivating the military art; but then there would remain no longer any necessity for it. For, what purpose would it serve to train people to arms, who would have no enemy to attack? And which is to be preferred, the cultivation of a destructive art, or the project that renders it uscless? If a secret were existing, by means of which mankind might enjoy constant health, would it not be absurd to reject it, because it would deprive the Physicians of the opportunities of acquiring experience? It remains to be shewn which of the two arts, in this parallel, is most falutary, and best deserves to be retained.

Let us not be terrified with a fudden invasion; it is well known that Europe has, on that score, nothing to fear, and that this first invader will never appear. This is not a time for the irruptions of Barbarians, who seem to drop in swarms from the clouds. Since we have been

able to take a nearer survey of the whole surface of the earth, nothing can approach us, that may not be seen at a great distance. There is no potentate in the world, at present, in a situation formidable against all Europe. And if ever there should be such a power, either we shall have time to prepare ourselves, or shall be at least in a better situation to oppose him, being united in one body, than when our long disputes are to be terminated at once, in order to patch up an hasty union.

Thus we have shewn, that all the pretended inconveniences of such a confederacy are, on examination, reducible to nothing. We now ask, if any man in the world will venture to affirm as much of those inconveniences which arise from the present manner of deciding the disputes of sovereigns by the law of the strongest? That is to say, from that impolitic state of war, which necessarily results from the absolute and mutual independence of sovereigns, in the impersect state of society which at present subsists between them in Europe?

To be better able to judge of these latter inconveniences, I shall just recapitulate a summary of them in a sew words; and leave it to the reader's examination.

1. No one's rights are secured but those of the strongest.
2. Continual and unavoidable changes in the relations substituting between nations, which hinder any of them from fixing in their own hands the power they actually possess.
3. No perfect security for any power till its neighbours be subdued or destroyed.
4. The general impossibility of destroying them; as even by destroying

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one, others are formed. 5. The precautions and immense expences attendant on being always upon one's guard. 6. The want of forces and of defence in minorities and revolts; for when a state is divided, who can support one party against the other? 7. The want of fecurity for the performance of mutual engagements. Justice is never to be obtained from others without great loss and expence, nor always then; while the object in dispute seldom proves an indemnification. 9. The unavoidable risk princes run of losing their dominions, and fometimes their lives, in the profecution of their rights. 10. The necessity of taking a part in the quarrels of neighbours, and of being drawn into a war contrary to one's inclination. 11. The interruption of trade and public supplies, at a time when they are most required. 12. The continual danger from a powerful neighbour, if one is weak, and from a league, if one is strong. The inutility of prudence with regard to what is subject to fortune; the perpetual destruction of people; the dimunition of the strength of the state both from good and ill fuccess; the total impossibility of establishing a good government, of accounting any thing one's own, and rendering either ourselves or others happy.

Let us recapitulate, in the same manner, the advantages which the confederate princes of Europe will reapfrom arbitration.

1. Absolute security that their present and suture differences will be always terminated without a war; a security incomparably more useful to sovereigns, than

that

that of never being engaged in a law-fuit would be to any of their subjects.

2. The removal of all subjects in dispute, or their reduction to little or nothing, by the cessation of all former pretensions: which will compensate for what they gave up, and secure what they possess.

3. Complete and constant security for the person, samily, and dominions of the prince, and of the order of succession sixed by the laws of each country, as well against the ambitious views of unjust pretenders, as against the revolts of rebellious subjects.

4. Perfect fecurity for the execution of all reciprocal engagements between prince and prince, by the guaranty of the whole European republic.

5. Perfect and perpetual liberty and fecurity, in regard to commerce, as well that carried on between the states of the confederacy, as that carried on separately by each state with distant nations.

6. A total and perpetual suppression of the extraordinary military expence, both by sea and land, in times of war, and even a considerable dimunition of the ordinary expences in time of peace.

7. The fensible progress of agriculture and population, with the increasing wealth of the people and the revenue of the prince.

8. The facilitating all establishments, which may redound to the glory and authority of the sovereign, increase the public resources, or promote the happiness of the people.

I now

I now leave the reader, as I before observed, to his examination of all these articles, and to form a comparison between the state of peace resulting from the proposed confederacy, and the state of war which results from the present impolitic state of Europe.

If we have reasoned rightly in laying down this project, it has been demonstrated, first, That the establishment of a perpetual peace depends folely on the confent of the respective sovereigns, and that there is no other obstacle to it than their opposition. Secondly, That this establishment would be every way useful; and that no comparison is to be made, even with regard to them, between the inconveniences and advantages refulting from it. Thirdly, That it is reasonable to suppose their inclination will agree with their interests. And, lastly, that this establishment, if once formed on the plan proposed, would be folid and lafting, and perfectly answer the end defigned. We cannot, indeed, take upon us to fay, that the fovereigns of Europe will actually adopt our project, (who can answer for the judgment of others?) but we can fafely fay, they would adopt it, if they knew their true interests: for it should be observed, that we have not supposed men to be such as they ought to be, good, generous, difinterested, and public spirited from motives of humanity; but, on the contrary, fuch as they really are, unjust, avaricious, and more folicitous for their private interest than that of the public. The only supposition we have made, is, that mankind have fense enough in general to know what is useful to them, and fortitude enough enough to embrace the means of their own happiness. Should our project, nevertheless, fail of being put into execution, it will not be neglected because it is chimerical, but because the world is absurd, and there is a kind of absurdity in being wise among sools.

END OF ROUSSEAU.



UTOPIA:

CONTAINING AN

IMPARTIAL HISTORY

OF THE

MANNERS, CUSTOMS, POLITY, GOVERN-MENT, &c. OF THAT ISLAND.

WRITTEN IN LATIN

BY SIR THOMAS MORE,

CHANCELLOR OF ENGLAND;

And interspersed with many important Articles of Secret History, relating to the State of the British Nation.

TRANSLATED INTO ENGLISH

By GILBERT BURNET, late Bishop of Sarum,

TO THIS EDITION IS ADDED.

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AUTHOR'S EPISTLE

TO

PETER GILES.

AM almost ashamed, my dearest Peter Giles, to send you this Book of the Utopian Common-Wealth, after almost a year's delay; when you no doubt looked for it in fix weeks: for as you are fensible that I had no occafion to make use of my invention, or to take pains to put things into a method, because I had nothing to do, but to repeat exactly what I heard Raphael relate in your prefence; fo a studied elegance of expression would have been here unnecessary. Since as he delivered things to us of the fudden, and in a careless style; he being, you know, a greater master of the Greek, than of the Latin; the plainer my words are, they will the better refemble his fimplicity, and will confequently be nearer to the truth. This is all that I think lies on me, and the only thing in which I thought myfelf concerned: I confess that I had here very little left for me to do; for the invention and ordering of such a scheme would have cost a man, whose ca-

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pacity and learning was of the ordinary standard, some pains and time. But if it had been necessary, that this relation should have been not only consistent with truth, but expressed with elegance, it could never have been performed by me, even after all the pains and time that I could have bestowed upon it. My part in it was so very fmall, that it could not give me much trouble, all that belonged to me being only to give a true and full account of the things that I had heard: but though this required fo very little of my time, yet even that little was long denied me by my other affairs, which press much upon me: for while in pleading, and hearing, in judging or composing of causes, in waiting on some men upon business, and on others out of respect, the greatest part of the day is spent on other men's affairs, the remainder of it must be given to my family at home: fo that I can referve no part of it to myfelf, that is, to my study: I must talk with my wife, and chat with my children, and I have somewhat to fay to my fervants: all these things I reckon as a part of business, except a man will resolve to be a stranger at home; for with whomfoever either nature, chance, or choice has engaged a man, in any commerce, he must endeavour to make himfelf as acceptable to those about him, as he posfibly can; using still such a temper, that he may not spoil them by an excessive gentleness, so that his servants may not become his mafters. In fuch things as thefe, days, months, and years flip away; what is then left for writing? And yet I have faid nothing of that time that must go for fleep, or for meat: in which many waste almost as much of their time, as in fleep, which confumes very near the

I can gain to myself, is that which I steal from my sleep and my meals; and because that is not much, I have made but a slow progress; yet as it is somewhat, I have at last got to an end of my Utopia, which I now send to you, and expect that after you have read it, you will let me know if you can put me in mind of any thing that has escaped me; for though I would think myself very happy, if I had but as much invention and learning as I know I have memory, which makes me generally depend much upon it, yet I do not rely so entirely on it, as to think I can forget nothing.

My fervant, John Clement, has ftarted some things that shake me: you know he was present with us, as I think he ought to be, at every conversation that may be of use to him; for I promise myself great matters from the progress he has fo early made in the Greek and Roman learning. As far as my memory ferves me, the bridge over Anider at Amaurot, was, according to Raphael's account, five hundred paces broad; but John affures me, he fpoke only of three hundred paces; therefore, pray recollect what you can remember of this, for if you agree with him, I will believe that I have been mistaken; but if you remember nothing of it, I will not alter what I have written, because it is according to the best of my remembrance: for as I will take care that there may be nothing falfely fet down, fo if there is any thing doubtful, though I may perhaps tell a lie, yet I am fure I will not make one; for I would rather pass for a good man than for a wife one; but it will

be easy to correct this mistake, if you can either meet with Raphael himself, or know how to write to him.

I have another difficulty that presses me more, and makes your writing to him the more necessary: I know not whom I ought to blame for it, whether Raphael, you, or myfelf; for as we did not think of asking it, so neither did he of telling us, in what part of the new world Utopia is situated; this was such an omission, that I would gladly redeem it at any rate: I am ashamed, that after I have told fo many things concerning this island, I cannot let my readers know in what fea it lies. There are fome among us that have a mighty defire to go thither, and in particular, one pious divine is very earnest upon it, not fo much out of a vain curiofity of feeing unknown countries, as that he may advance our religion, which is fo happily begun to be planted there; and that he may do this regularly, he intends to procure a mission from the pope, and to be fent thither as their bishop. In such a case as this, he makes no scruple of aspiring to that character, but thinks fuch ambition meritorious, while actuated folely by a pious zeal; he defires it only as the means of advancing the Christian religion, and not for any honour or advantage that may accrue to himfelf. Therefore I carneftly beg, that if you can possibly meet with Raphael, or if you know how to write to him, you will be pleased to inform yourself of these things, that there may be no faishood left in my book, nor any important truth wanting. And perhaps it will not be unfit to let him see the book itself: for as no man can correct any errors that may be in it, so well as he, so by reading

it he will be able to give a more perfect judgment of it, than he can do upon any discourse concerning it : and you will be likewise able to discover whether this undertaking of mine is acceptable to him or not; for if he intends to write a relation of his travels, perhaps he will not be pleafed that I should prevent him, in that part that belongs to the Utopian Commonwealth; fince, if I should do fo, his book will not furprize the world with the pleafure which this new discovery will give the age. And I am fo little fond of appearing in print upon this occasion, that if he diflikes it, I will lay it afide; and even though he should approve of it, I am not positively determined as to the publishing it. Men's tastes differ much; some are of fo morose a temper, so sour a disposition, and make fuch abfurd judgments of things, that men of cheerful and lively tempers, who indulge their genius, feem much more happy than those who waste their time and strength in order to publishing a book, which, though of itself it might be useful or pleasant, yet, instead of being well received, will be fure to be either laughed at, or cenfured. Many know nothing of learning, and others despise it: a man that is accustomed to a coarse and harsh style, thinks every thing is rough that is not barbarous. Our trifling pretenders to learning, think all is flight that is not dressed up in words that are worn out of use; some love only old things, and many like nothing but what is their own. Some are so four that they can allow no jests, and others fo dull that they can endure nothing that is sharp; while others are as much afraid of any thing gay and lively, as a man bit with a mad dog is of water; others

others are so light and unsettled, that their thoughts change as quick as they do their postures: fome again, when they meet in taverns, take upon them among their cups to pass censures very freely on all writers; and, with a fupercilious liberty, to condemn every thing they do not like: in which they have an advantage, like that of a bald man, who can catch hold of another by the hair, while the other cannot return the like upon him. They are fafe as it were from gun-shot, fince there is nothing in them folid enough to be taken hold of. Others are fo unthankful, that even when they are well pleafed with a book, yet they think they owe nothing to the author: and are like those rude guests, who, after they have been well entertained at a good dinner, when they have glutted their appetites, go away without fo much as thanking him that treated them. But who would put himself to the charge of making a feast for men of such nice palates, and fo different taftes; who are fo forgetful of the civilities that are paid them? But do you once clear those points with Raphael, and then it will be time enough to consider whether it be fit to publish it or not; for since I have been at the pains to write it, if he consents to its being published, I will follow my friends advice, and chiefly your's. Farewell, my dear Peter, commend me kindly to your good wife, and love me still as you used to do, for I affure you I love you daily more and more.

LIFE

OF

SIR THOMAS MORE.

NO true patriot, no lover of humanity, can be totally indifferent to the history of that amiable and virtuous hero of political honesty, that bold opposer of prerogative in the British Senate, who, while yet denominated a beardless boy, stemmed alone the mighty torrent of royal omnipotence, though he might easily have commanded the favour of a Court; and who, after having passed his life in advocating the rights of man, fell a cheerful victim to his probity, his patriotism, and his virtue; or rather to the lawless ambition of a savage despot.

Sir Thomas More, only fon of Sir John More, Knight, one of the Judges of the King's-Bench, was born in Milk-street, London, in the year 1480. He first went to a school at St. Anthony's in Threadneedle-street, and was Vol. III.

afterwards introduced, on account of his promising talents, into the family of Cardinal John Moreton, who in 1497 fent him to Canterbury College, Oxford. He there was under the tuition of Lynacre, and attended Grocinus's lectures on the Greek language, in which it is faid he foon very much excelled.

Having made a confiderable proficiency, during two years refidence, in various branches of academical learning, he came to New Inn, London, at nineteen years of age, to study the law. And having some time after removed to Lincoln's Inn, of which his father was a member, he was at length called to the bar.

But neither a liberal education, as scholastic learning is falsely called, nor brilliant talents; neither virtue nor good sense, were in that age of ecclesiastic slavery and despotic oppression, sufficient to free his unsuspecting youth from the trammels of bigotry and superstition, with which the hypocrify of the priesthood had learned, under the mask of religion, to subdue mankind. He even submitted to the severity of monkish discipline, were a hair shirt next his skin, frequently sasted, and often slept on a bare plank.

At the age of twenty-one Mr. More became a Member of the House of Commons; and about two years after he had taken his seat, in 1503, very much distinguished himself, by opposing a demand of a subsidy and three-sisteenths, for the marriage of Henry VII.'s eldest daughter Margaret, to the King of Scotland. Though many of the members were so weak and so corrupt, as to be deterred from their duty by the apprehension of the King's displeasure, Mr.

More opposed the motion with so much force and eloquence, that it was at length rejected.

As foon as this vote was thrown out, Mr. Tyler one of the King's Privy Council, informed his Majesty that a beardless boy had defeated his purpose. The King was highly incensed at the disappointment of his wishes, but as young More had nothing to lose, he revenged himself by sending his father to the Tower for a pretended offence, and keeping him in close confinement till he consented to pay £100 for his liberty.

Mr. More having foon after received information, from his friend Mr. Whiteford, Chaplain to Bishop Fox, that the Court were laying snares for him, probably by the means of spies and informers, determined to decline the practice of the law, and visit the Continent. He therefore applied to the study of French, and made himself master of most of the liberal sciences; paying particular attention to perfect his knowledge of history. In his leisure hours he seems to have relaxed his mind by music, being a very good performer on the violin. But meeting with no further disturbance, he abandoned his intention of leaving his native country.

As foon as Mr. More had put on the gown, he read public lectures in St. Lawrence's Church, on St. Augustine's treatife de Civitate Dei, with great applause. He was then appointed law-reader in Furnival's-Inn, and held that place about three years. After which he took lodgings near the Charter-House, and joined in all the religious exercises of that society, but without engaging in any vow. He even formed a design of burying his

talents and virtues, by becoming a Franciscan friar, and embracing the order of priesthood. But he was fortunately disfuaded from that design; and after four years spent in these sufferities, married, by the advice of Dr. Colet, Dean of St. Paul's and sounder of the school, Jane, the eldest daughter of John Colt Esq. of Newhall in Essex. And having settled his family in Bucklersbury, he attended his profession at his chambers in Lincoln's-Inn, till he was called to the bench.

Mr. More's delicacy towards the feelings of others, and the difinterestedness of his character, extended even to his choice of a companion for life. For though he felt a predilection for the second daughter, he was induced to offer his hand to the eldest, by the pain he apprehended he might otherwise give her.

In 1508, about a year before Henry VIII. came to the throne, Mr. More was appointed Judge of the Sheriff's Court, in the city of London, and was made a Justice of the Peace. He became so eminent at the bar, as to be retained in almost every important cause, and though he only undertook such as his conscience approved, and never took sees of widows, orphans, or persons in poor circumstances, he acquired an estate of £400 per annum, which at that time was very considerable.

The laborious duties of his profession did not, however, prevent his literary talents from enlightening mankind. For during this active part of his life, in the year 1516, he published his immortal *EUTOPIA, of which the merit

[•] Etymology not being attended to in the time of Sir Thomas More, for much as it deleaves, he omitted the letter E in the name of his republic. Or rather

merit was so manisest, that it was very soon translated into French, Dutch and Italian. And many learned men were so pleased with the descriptions it contains, of the climate institutions and manners of Eutopia, and so little suspected that it was only a philosophical siction, that they were desirous of having some priests sent thither, in order to preach Christianity, and even projected making the voyage themselves: forgetting, that to adopt the system of religion, to which Constantine sirst gave that name, would have destroyed those very advantages, which Eutopia boasted above other countries.

Before Mr. More entered into the King's immediate fervice, he had been twice employed, with his Majesty's consent, as agent for the English merchants, in some considerable disputes between them and the merchants of the Steelyard. And the same year that the Eutopia was published, (1516) he went to Flanders in the suite of Bishop Tonstal and Dr. Knight, who were sent by Henry VIII. to renew his alliance with the Archduke of Austria, afterwards Charles V.

On his return, Cardinal Wolfey would have engaged Mr. More in the fervice of the Crown, and offered him a pension. But this he honestly refused. And appearing in the Star-Chamber, a few years after, as an advocate against the Crown, he recovered for the Pope, a ship, which having put into Southampton, was in defiance of good faith, claimed as a forseiture by the King. This

a 3 new

rather perhaps, he omitted that letter, the better to conceal the fiction, at a period when truth was dangerous. In either case the etymology may be now restored, and we shall accordingly correct it, wherever accuracy permits.

new display of abilities was a further inducement for the Court to wish for his services; and though More had done what every honest man ever will, refused a gratuitous pay. he accepted the place of Master of the Requests, which for want of a better vacancy, was now offered him. For. as one of his biographers informs us, no entreaty could prevail on the King to difpense with his services. A month after this, he was made Knight and Privy Counfellor; and on the death of Mr. Weston, the following year, (1520) Treasurer of the Exchequer. To this office, as well as his preceding honours, he was raifed without any folicitation on his own part. He now built a house on the banks of the Thames, at Chelsea, and married a fecond wife, whose name was Middleton; an old, ill-tempered and covetous widow. Yet Erasmus informs us, he was as fond of her as if the were a young maid.

And here it is requisite to justify this virtuous character from the imputation of a priest. Burnet observes (in his preface to the Eutopia and Life of More, Oxford, 1751, 12mo. p. x.) that "the earnestness with which he recommends the precaution used in marriages among the Eutopians, makes one think that he had a missfortune in his own choice; for the strictness of his own life covers him from severe censures." But the testimony of his cotemporary and most intimate friend Erasmus, is sufficient to prove that in his domestic conduct, he was not liable even to the slightest blame, and to convict the Bishop, who wrote above a century and a half after him, of error. The true object of the passage alluded to, was as Sir Thomas

Thomas himself explains it (part 2. chap. on bondmen, &c.) that a law should be made, "whereby all deceits might be eschewed and avoided beforehand," in lieu of being remedied afterwards: because, "the easy hopes of a new marriage break love between man and wife."

But nothing can fo strongly prove the Bishop's mistake, or the worth of Sir Thomas More in his private as well as public character, as the picture of his manners drawn by Erasmus. "More," says he, "has built near London, " and on the Thames, fuch a commodious house as is " neither mean nor fubject to envy, yet fufficiently mag-" nificent. There he converses affably with his wife, his " fon and daughter-in-law, his three daughters and their " husbands, with eleven grand-children. No man living " is fo affectionate to his children as he. He loves his " old wife as well as if the were young; and fuch is the " excellence of his temper, that whatever happens which " could not be helped, he bears as well as if nothing " more fortunate could have happened. Were you in " that place, you would fay you beheld Plato's academy. " But I do the house an injury to compare it to Plato's " academy, where there were only difputations on num-" bers and geometrical figures, and fometimes on the " moral virtues. I should rather call his house a school " of Christian religion; for there is no one in it but reads " or studies the liberal sciences. Their special care is " piety and virtue. There is no quarrelling or intempe-" rate words heard, no one is feen idle. Which household " discipline that worthy gentleman doth govern, not by " proud and lofty words, but with kind and courteous " benevolence. a 4

" benevolence. All perform their duty, yet there is always alacrity; and fober mirth is not wanting."

Mr. More's talents were now so well known, that his correspondence was desired by most of the learned men of that age. Erasmus in particular seems to have enjoyed the greatest share in his friendship, although at the beginning of their correspondence they were not personally acquainted. Indeed their first interview was such as to furnish a pleasant anecdote.

Erafmus coming to England, partly to pay a visit to More, it was contrived that before they were introduced to each other, they should meet at the Lord Mayor's table; which in those days was constantly open to men of learning and eminence. At dinner they fell into an argument, during which Erasmus, seeling the keenness of his antagonist's wit, exclaimed with warmth, in Latin: "Thou art More or nobody:" to which the latter replied in the same language, "Thou art Erasmus or the devil."

With all the talents requisite for public business, Sir Thomas was remarkably formed for the sweets of domestic retirement. Thence it was that he became the particular and intimate friend of Henry; and thence he grew tired of the Court, and slighted the friendship of his Majesty. For the King having once experienced this engaging part of his character, became remarkably fond of his company; and when he had performed his devotions on holidays, he used to send for Sir Thomas into his closet. He there conversed with him on astronomy geometry divinity and other learned topics, as well as on public business; and he frequently

quently took him in the night to the leads, on the top of his house, to observe the motions of the planets. Sir Thomas was indeed so cheerful in his disposition, and possessed so copious a fund of humour and pleasantry, that the King and Queen often ordered him to be sent for after supper, to entertain and amuse them. But this at length became so disagreeably troublesome to Sir Thomas, and so much interfered with the attention he wished to pay his own family, by making him spend almost his whole time in the palace, that he began by degrees to lay aside his facetiousness, and to assume an assected air of gravity, as the only means of liberating himself from the shackles of royal favour.

In 1523, Sir Thomas being made Speaker of the House of Commons, showed an intrepidity then almost unprecedented, in opposing an impudent minister in his unconstitutional attempt at raising supplies. The Cardinal, apprehending fome ill humour on the occasion, resolved to be present when the motion was made, and gave notice of his intention to the House. Upon this a warm debate arose, whether they should receive him with a few of his Lords, or with his whole train. The former of these opinions feeming to be most generally adopted, the Speaker thus addreffed the House. "Gentlemen," said he, "fince my Lord " Cardinal hath not long ago laid to our charge, the light-" nels of our tongues for things spoken out of this House, " it will not in my judgment be amifs, to receive him " with all his people. For if he should blame us here-" after for the like fault, he may lay it on those whom " his Grace shall bring with him." For Welfey had been much offended by fome of the Members divulging the the transactions of the House out of doors; though the Members themselves thought the People had an undoubted right to know, what their servants in the House were doing.

The House being pleased with the humour of the Speaker's proposal, the Cardinal-Minister was received accordingly: but having explained, in a folemn speech, the necessity of granting the object of his demand, and finding none of the Members return any answer, or show the least inclination to comply with his request, he fell into a passion, and with great indignation, said "Gentlemen, " unless it be the manner of the House to express your " fentiments in fuch cases by your Speaker, your silence " is certainly furprifing and obstinate." He then required the Speaker to give an answer, to the request which he had made in the name of the King. On which Sir Thomas More, falling on his knees with great reverence to the Cardinal-Minister, apologized for the silence of the House, as being abashed at the presence of so exalted a personage. He then proceeded to show, that it was not consistent with the ancient liberties of the House, to give an answer to his Majesty's message, but by their Speaker; and concluded by telling his Eminence, that though he was the voice of the Commons, yet unless every one of them could put his judgment into his head, he alone, in a matter of fo great importance and moment, could not pretend to give a fuitable answer. This reply highly offended Wolfey, who expected nothing else of the Commons, than an implicit acquiescence in every pecuniary demand, his fagacity in_ vented, or his impudence fuggested. The Commons, however, however, having virtue enough to refuse the registration of the King's decree, for such only could the proposition be called, the Minister suddenly quitted the House.

At that period the funding system not being known, the Minister had a weaker hold, on those who were desirous of living without labour; nor could he bribe the Members, by making them partakers of a usurious contract.

His displeasure was perhaps the greater, as he knew that Sir Thomas had seconded the motion, when first proposed. For though that spirited patriot thought supplies absolutely necessary for carrying on the war, he made a distinction between the reasonable demands of the King, and the violation of parliamentary privileges, by an insolent Minister. It appears therefore that to Wolsey, there was something personal as well as unexpected, in this check.

Sir Thomas being fome time afterwards in the Cardinal's gallery at Whitehall, his Eminence complained of his behaviour on the above-mentioned occasion; faying "Would to God you had been at Rome when I made " you Speaker." To which Sir Thomas replied, "Your "Grace not offended, I wish I had, I should then have " enjoyed the pleafure of feeing a place I have long defired " to visit." He then began to praise his gallery, and said he liked it better than the other at Hampton Court. But though this appeared Wolfey in appearance, it did not cool For when the Parliament broke up, he his refentment. Perfuaded the King to fend Sir Thomas on an embaffy to Spain, from which however that gentleman endeavoured to excuse himself, by pleading ill health. His Majesty allowed the justness of his argument, and told him, that as he meant not to hurt him but render him fervice, he would think of some other manner of employing his talents: And not long after, on the death of Sir R. Wingfield, Sir Thomas was appointed Chancellor of the Duchy of Lancaster, though that was the King's personal patrimony. At the same time he was admitted into so high a degree of savour with the King, that his Majesty sometimes went to his house at Chelsea, without previous notice, in order to enjoy the pleasure of his conversation on common affairs.

On one of these occasions, when the King had paid him an unexpected visit to dinner, he walked with him afterwards near an hour in the garden, with his arm round Sir Thomas's neck. When his Majesty was gone, Mr. Roper, a fon-in-law of Sir Thomas, observed how happy he was, to enjoy the favour of his Sovereign in fo distinguished a manner. To which Sir Thomas replied, "I " thank our Lord, fon Roper, I find his Grace to be my " very good master indeed, and I believe that he favours " me as much as any subject within this kingdom. But yet "I must tell thee, son, that I have no cause to be proud " of it: for if my head would win him a castle in France " (with the King of which country he was then at war) he " would not fail to have it struck off my shoulders." A reply, from which it appears, that Sir Thomas well knew his Grace to be a villain.

Of all Henry's servants and favourites, none was treated with more kindness and respect by the King than Sir Thomas More: yet none so well preserved his independence, or was less solicitous to enjoy the smiles of his Sovereign.

vereign. Of this the freedom with which he delivered his opinion, on the unlawfulness of his marriage, is a striking instance. His answer on that occasion does the highest honour to his memory. Clark and Tonstal. Bishops of Bath and Durham, and others of the Privy. Council being ordered to confult with the King on that subject, Sir Thomas said, "To be plain with your " Grace, neither my Lord of Durham nor my Lord of " Bath nor myself nor any of your Privy Council, being " all your fervants and greatly indebted to your good-" ness, are in my judgment, proper counsellors for your " Grace on this point. But if you are defirous of underse standing the truth, you may have counsellors, who nei-" ther out of regard to worldly interest, nor through fear " of your princely authority, will deceive you:" And then naming Jerome, Austin, and feveral more of the ancient tathers, he produced a statement of the opinions, he had collected from those authorities.

This freedom did not exclude Sir Thomas from the friendship even of the severe and obstinate Henry. In 1526 he was sent with Cardinal Wolsey and others, on a joint embassy to France, and in 1529 with Tonstall, Bishop of Durham, to negociate at Cambray, a peace between the Emperor, the King of France, and Henry, in which he proved his diplomatic abilities, by procuring greater advantages for England than were expected. For this and other eminent services, the King on the disgrace of Wolsey in the following year, made him Chancellor; ** a favour which

appears

^{*} On the 25th of Odober 153c.

appears the more extraordinary, as he had repeatedly declared his disapprobation of the King's divorce, and was not a man likely to change sides for a place.

In this new employment, Sir Thomas still farther confirmed the opinion generally entertained of his abilities integrity and impartiality. This was rendered the more striking by the conduct of his predecessor Wolf y having been haughty and proud; contemptuous to people of ordinary rank, and inaccessible to any, without a bribe to his servants. But the scene was now entirely reversed; for the new Chancellor was assable to all. The poorer and humbler his suitors, the more attentive and ready was Sir Thomas, to hear their causes and give them redress.

It is faid that one of his fons-in-law Mr. Dauncey, found fault with him between jest and earnest, for his great condescension, faying "You are so ready to " hear every one, poor as well as rich, that there is no " getting any thing under you. Whereas were you other-" wife, fome for friendship, some for kindred, and some " for profit, would gladly have my interest to introduce " them. But now I should do them wrong if I took any " thing." To which the Chancellor replied, there were many ways in which he could do him good, and give pleasure to his friends. "And be assured of this," added he, "upon my faith, if the parties will call for justice " at my hands, then, though my father whom I love fo " dearly, flood on one fide, and the devil whom I detell, " on the other, were the cause good, the devil should " have it." And he actually made a decree against Mr. Heron, another fon-in-law, who prefuming on his father's ther's favour and interest, had rejected a proposal of arbitration. A circumstance which marks the delicacy of the Chancellor, in not prejudging a cause, even where his nearest connections were concerned.

His integrity became still more conspicuous after his fall, even by the malice of his enemies. For at their instigation, one Parnel accused him of receiving a bribe, for making a decree against him, and in favour of his antagonist Vaughan, who gave him a gold cup. Sir Thomas confessed, that as the cup was brought him for a new-year's gift, long after the decree was made, he had not refused it. On this Sir Thomas Boleyn, then Lord Wiltshire, who was the profecutor, and who hated him for oppofing the King's marriage with his daughter, cried out with triumphant exultation, "Lo! my Lords, did I not tell you " that you should find the matter true." But Sir Thomas requested, that as they had heard with indulgence the first part of the tale, they would with equal impartiality attend to the remainder; and declared, "that though after " much folicitation, he had indeed received the cup, and " it was long after the decree was made, yet, after drink-" ing the health of Mrs. Vaughan (who herfelf prefented " it to him), he had obliged her, however reluctantly, to " convey it back to her husband." This was proved by witnesses, to the great confusion of Lord Wiltshire and his other enemies.

On another occasion, when one Graham sent him as a new-year's gift, a beautiful gilt cup, the fashion of which very much pleased him, he ordered one of his own, of more value though inserior in elegance, to be delivered

to the messenger for his master. Nor would he receive the present on any other condition.

With the fame integrity, when a Mrs. Goaker prefented him with a pair of gloves, containing £40 in angels, he faid, "Mistress, fince it would be contrary to good "manners not to receive your new-year's gift, I accept your gloves, but as for the lining, I utterly refuse it."

Having executed the office of Chancellor with great wisdom and integrity towards the space of three years, he resigned the seals on the 15th of May 1533, probably to avoid the danger of resusing to consirm the King's divorce; a sanction to which transaction, it is thought by some historians, notwithstanding the hopelessness of the project, was the true object of his appointment to that office: and therefore the permission to resign was granted with great reluctance.

In that office no man ever acted more to the fatisfaction of the people. His expedition in determining causes was no less remarkable than his integrity. For one day when he called for the next cause, he was answered that there were no more to be heard. Such an event was as rare as the shutting of Janus's temple; Sir Thomas ordered it to be entered on the record.

About the time of his refignation, Sir Thomas lost his father; to whom he had always behaved, and particularly in his last illness, with every mark of affection and filial piety. He was even anxious on all occasions to give him precedence, notwithstanding his own high rank, which his father as constantly refused.

When Sir Thomas refigned the great feal, he wrote an apology; in which he declared, that all the revenues and estates he had by his father, with his wife, or by purchase, did not amount to £50 per annum : which, notwithstanding the difference of value in money, and that the difficulty of living has augmented in proportion to the ftupendous increase of inequality in property, must strike the reader as a mere bagatelle, when compared with the emoluments of a modern chancellor, or the gratuities for a week's pleading and conspiring, against the life of an honest man.

But fo liberal was this excellent man's charity, and fo great his christian contempt of riches, that though he had held many important and lucrative offices during a space of more than twenty years, he made no provision either for himself or his family.

Finding therefore that after his refignation, the limited flate of his finances would not permit him to live in that splendor, which his rank had hitherto required, he retired to his house at Chelsea, dismissed many of his servants, taking care first to provide them with places to prevent their being reduced to diffress on his account; fent his children with their respective families, whom he had hitherto maintained in patriarchal stile, to their own houses, and spent his time after their removal, in study and devotion, on an income which at most, little exceeded f. 100 per ann. He refolved never more to engage in public bufiness, but to enjoy in tranquility the sweets of domestic happinefs, if the cruel and fickle tyrant, at whose will he held the tenure of his life and all its conveniences, would gracioufly permit, him, whose friendship he had once culti-VOL. III.

vated.

vated, to enjoy the uncertain good, in folitary and fcanty obscurity. For he felt some presages of the coming storm, and knowing the despot to be a villain, he expected to be treated with rigor, and prepared himself with pious resignation, to meet the sate he had often foretold would destroy him.

The coronation of Ann Boleyn was fixed for the 31st of May 1533, a fortnight after the refignation of the chancellor, to whom a fuccessor was appointed on the twentieth day. Sir Thomas More was invited to be prefent at the ceremony: but this he declined, as he had not altered his opinion respecting the illegality of queen Catherine's divorce. His fanction was even deemed of great importance, though reduced to a private station. Yet although various means were used to procure it, they all proved equally ineffectual. In the following parliament therefore, a bill was brought into the house of lords, attainting him together with Bishop Fisher and some others, of misprission of treason, for encouraging Elizabeth Barton the nun or holy maid of Kent, a pretended prophetels, in her treasonable practices. This woman having her reason at times disordered by hysteries, and then uttering flrange speeches, was supposed to be inspired; and in confequence of that reputation, was made an instrument by a defigning vicar, of declaiming against the king's divorce, and threatening his counfellors. But Sir Thomas's innocence was so apparent, that they were obliged to strike out his name from the bill.

Several other accusations equally groundless, were fabrieated with no better success. At length the act which indirectly indirectly gave the supremacy to the king, and which passed in March 1534, was made the instrument of imprisoning Sir Thomas, as some acts of the next sessions were of sacrificing his life. The oath required by that statute, was tendered to Sir Thomas about a month after the bill passed, and was refused. Upon which, he was first put in custody of the Abbot of Westminster, and sour days after, on a second resusal, committed to the Tower.

Sir Thomas was the most unlikely man in the world to take this oath. He was bigotted to the religion of his fathers, but his attachment did not arise from mere hereditary credulity. For he was a virtuous good man, and by fuch men religious prejudices are the last to be abandoned. As a catholic he must have believed, that the very essence of a religion which demands a head, admits of no other than the lawful head the pope. Had he professed that simple and rational religion which Jefus taught, he would perhaps have equally refused the oath, and afferted that no true christian could properly take it, or that the first principles of that religion marked fuch a claim with imposture, That a king should be the head of a certain incorporated body of men, in black and white dreffes, calling themfelves the church, and performing majonic rites and futilities in the face of the most high God, he might allow. But to take an oath of this, might still appear to him, a fanction tending to perpetuate a system, whose object was to deceive and enflave the people; and no religious man, whether protestant, catholic, or true christian, who viewed the subject in this light, could voluntarily submit thus to violate his conscience. To leave Henry in quiet b 2 possession possession of these rights, if rights they were, might be prudent, in one who delighted not to contend, with superior force, but every reasonable man, might at least expect to THINK for himself. His conduct therefore is best accounted for, by his considering the act of parliament on which he was convicted, like many other bills which those tyrants procured, who have made as it were a chasm in the history of a free and happy people, as an Act of Parliament to destroy the liberty of thought.

Nothing can so well illustrate the ideas, likely to be entertained by so great a luminary of the law, as a recollection of the manner, in which Henry sirst acquired the disputed title.

Wolfey had been accused by the attorney-general, of having violated the flatute of provisors and premunire, by acting as legate under the authority of the Pope, and difpoling of feveral benefices in that capacity. In confequence of this conduct, all those who had acknowledged his authority and appeared in his courts, were equally guilty. Thus the whole body of the clergy, by obeying him as legate, had become liable to that species of outlawry which this statute enacts. The king therefore cunningly obtained the fanction of the convocation to his divorce, before he availed himself of that act to oppress and degrade them. His grand but concealed object was to make them acknowledge his fupremacy. For however prompt that body has ever been to follow the spirit of a court, they have ever shewn a greater partiality for that of Rome than any other: a partiality which Henry wished to transfer to his own. The indictment was brought

in the court of king's bench; and though it was pleaded that the king had himself connived at the cardinal's proceedings, the justice of their arguments, did not prevent judgment being given in favor of the tyrant. They were put out of the protection of the law, and subjected to all the pains and penalties of præmunire. The clergy, confcious that the people could not then be excited to revenge their cause, and having no hopes of affishance from the pope who despaired of recovering his influence in England, determined to take the opposite part, and be reconciled with their oppressor. The convocation therefore of Canterbury, came to a refolution, to offer the king £100,000 for a pardon; and appointed a committee to draw up an act of convocation, called letters patent, for that purpose. That paper stated the motive of the present, to be 1st. the great merit of the king; 2d. gratitude for his fervices to the Catholic church, both by his pen and his fword; 3d. his zeal against the Lutherans, who were labouring to destroy the church of England, of which the clergy acknowledged the king fole protestor and supreme head: and laftly their hopes of obtaining his pardon.

The clause relative to the supremacy, was surreptitiously inserted by the contrivance of Henry. And when it was objected to as an inadvertent piece of flattery leading to consequences unforeseen by the committee, his creatures had the effrontery to affert, that it could not be expunged by a formal resolution, without displeasing the king: an affertion confirmed the next day from the court idelf by Mr. Secretary Cromwell and others of the privy council, who attended the convocation for that purpose,

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and informed the house that the king would consider those who opposed it, as disaffected seditious persons.

The York convocation gave a fimilar present of £18,000. But having omitted the title conveyed in the other, they were given to understand their present would not be accepted without it: on which a similar clause was inserted. The same creatures of the court also contrived, that the first mentioned act should contain a promise, not to make any constitution without the king's licence; and this also was inserted in that of the York convocation.

The Pope having promised to refer Henry's affair to be decided at Cambray, by perfons to whom the king should have no reason to object, the Bishop of Paris who afted as mediator, fixed the day for the return of the courier, in order to put the business more compleatly in train, But the Emperor's agents were fo defirous of creating differences between the Pope and Henry, and intrigued foeffectually with the former, by threats as well as promifes, that although he had at first replied that his word was passed, he was induced to agree that if the courier did not return on the day appointed, he should consider himself liberated from his promife. By the fame intrigues he was prevailed on, to refuse the delay of fix days requested by the Bishop of Paris; and to transact in one fingle fession, what usually required three confistories. He ordered the king again to receive his wife, and denounced against him ecclesiastical censures in case of disobedience.

This fentence whether conformable or adverse to the king's inclination, facilitated the act of Parliament he wished to obtain. The statute which ultimately abolished

the papal authority and indirectly conferred the supremacy, confisted of several articles.* 1st. It abolished the annates, a tax confifting of the first year's revenue of every benefice, the whole of which after each presentation or translation, was fent out of the country and paid to the Pope. 2d. That Bishops should not be presented by the Pope, but elected by congé d'élire from the crown; and that if the election should not be made within twelve days after the licence, the choice should belong to the king; by which means he was enabled abfolutely to dictate what choice should be made; as it was improbable that the chapter should be unanimous, in opposing the will of their supreme head.† 3d. Peter-pence, bulls, dispensations, and all delegated authorities from Rome, were abolished; and the Archbishop of Canterbury authorized to grant dispensations, provided part of the money was paid to the king. 4th. The king's marriage with Catherine was annulled, notwithstanding any dispensation to the contrary: and far from subjecting the act of the people's delegates to the fanction of their Sovereign the nation, it enacted that all the king's fubjects without distinction, should swear to observe and maintain the contents of this act. After which followed a lift of the marriages to be held as forbidden by the law of God, including that of a brother's widow.

The whole parliament immediately took the oath, and

^{*} It passed in March 1534, on the 30th of which month the session con-cluded.

[†] This has fince been improved by his Majesty's recommending a Bishop, when he gives the congé d'élhe.

the king fent commissioners throughout the kingdom, to exact it of all his subjects.

The oath for the clergy was to this effect. To be faithful to the king, the queen, their heirs, and fuccessors; to acknowledge the king as supreme head of the church of England; that the Bishop of Rome has no more jurisdiction than any other Bishop whatever; sincerely to preach doctrines conformable to the scriptures; and pray first for the king as supreme head of the church of England, next for the queen and her issue, and then for the Archbishop of Canterbury.

When the oath was tendered to Sir Thomas, he replied, "That he would blame neither those who had made the act, nor those who had taken the oath; but for his own part, though he was willing to swear to the succession in a form of his own drawing, yet the oath which was offered was so worded, that his conscience revolted against it, and he could not take it with safety to his soul." He offered however to swear to the succession in the issue of the present marriage, because he thought that, within the power of Parliament. Upon which Mr. Secretary Cromwell, who had a strong friendship for Sir Thomas, and foresaw the consequences of his resusing the oath in the form required, protested, "that he had rather his only son should have lost his head, than that Sir Thomas More should resuse to swear to the succession."

Cranmer also in a letter to Mr. Secretary Cromwell, earnestly pressed him to accept the oath of More and Fisher, in the form they proposed. For if they once swore to the succession, it would quiet the nation; as all other persons persons would submit to the judgment of those great and respectable characters. But this excellent advice was not complied with.

In consequence of this refusal, Sir Thomas was committed to the custody of the Abbot of Westminster for four days; during which the king and his council deliberated, what course it was best to pursue. Several methods were proposed, but Henry would listen to none of them; and at last Sir Thomas was sent to the Tower, and indicted on the statutes.

Early in the next fession of Parliament, which began on the 23d of November in the same year 1534, Henry knowing that the people was on his side in throwing off the Roman yoke, had several acts passed to compleat the work. The first of these confirmed the title of supreme head of the church of England, which he held as yet only by the surreptitious and tyrannical insertion of it by his creatures in the act of convocation. He pursued indeed nearly the same conduct now; for to make a show of not having procured the act himself, he suggested several scruples to his council and to some of the Bishops; but presently suffered himself to be convinced, and afterwards, to use the expression of Rapin, made good use of his new title and prerogatives.

Another act made it treason to speak, write, or imagine, any thing against the king or queen. A third annulled sanctuaries in cases of treason. A fourth prescribed a form for the oath of succession. A fifth gave the annates or first year's revenue of benefices, and one tenth of all succeeding years, to the king. A fixth established twenty-five suffragan

bishops,

Bishops, or Chorepiscopi, according to the primitive use and phraseology of the church, one to each diocesan bishop. And lastly the fatal act, condemning Fisher Bishop of Rochester* and Sir Thomas More to perpetual imprisonment, and confiscating all their estates, for resusing the oath prescribed by an act of the former session. The king indeed seems to have had a particular hatred to those worthy characters; for though he granted a general pardon, he excepted these two, because they were honest men, and their very existence was incompatible with his tyrannical views.

The perfecution of the tyrant was fo malignant, that he not only employed the agency of crown-lawyers, but it even appears that he had given inftructions, concerning the manner in which Sir Thomas was to be treated, during his confinement. For the lieutenant of the Tower, having formerly received some obligations from More, apolegized, that he could not accommodate him as he wished, without incurring the king's displeasure. To which the latter replied, "Master lieutenant, whenever I find fault with the entertainment you provide for me, do you turn me out of doors." And it also appears that he was denied the use of pen ink and paper. For he wrote with a coal, a very sew lines to his favourite daughter Mrs. Roper, and mentioned at the end of it his want of paper to write more. This and several samples of Sir Thomas's talent for poetry,

^{*} The lord Chancellor, the Duke of Norfolk, and some other lords, sat with the judges by a commission of over and teminer, on the trial of Fisher, whose death was supposed to be hastened by the Pope's sending him a Cardinal's hat, and distinguishing him by the title of Cardinal of Cardinals.

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may be seen in Johnson's History of the English Language, prefixed to the solio edition of his Dictionary.

While in confinement, the folicitor-general, Rich, was fent to confer, or rather to tamper with him. But though he was very cautious in his replies, he was inveigled to fay fomething, which as frequently happens in crown indicaments, was wrested into an affertion, that any question with regard to law, which established that prerogative, was like a two edged sword: if a man answered in one manner it would confound his foul, if in another it would destroy his body. This expression was sufficient for a solicitor general to found an accusation, and Sir Thomas after sisteen months imprisonment, was arraigned and tried at the bar of the king's-bench, for high treason.

The charges contained in the indictment were these:

1st. That the prisoner had stubbornly opposed the king's second marriage.

2d. I hat he maliciously refused to declare his opinion of the act of supremacy.

3d. That he endeavoured to evade the force of that statute, and advised Bishop Fisher by his letters, not to submit to it: And 4th. that on his examination in the Tower, it being demanded whether he approved the act of supremacy, he answered as above. And these were laid as overt-acts of the treafon of his heart.*

When the attorney-general had gone through the charge, which he did in the most virulent manner, the Lord Chancellorsaid, "You see now how grievously you have offend"ed his majesty: nevertheless he is so merciful, that if you swill but leave your obstinacy and change your opinion,

^{*} See Salmon's Critical Review of the State Trials.

"we hope you may yet obtain pardon of his highness for what is past." And in this sentiment he was seconded by the duke of Norfolk, who was More's particular friend. But Sir Thomas replied with much firmness, "That he had much cause to thank these noble lords for this courtesy, but he besought Almighty God, that t rough his grace he might continue in the mind in which he then was, unto death." After this he proceeded to his defence.

Sir Thomas did not deny the two first charges of this indictment. He allowed that he had advised the king against his second marriage, and that he had declined giving his opinion on the act of supremacy. I he third was rested on his letters to Bishop Fisher; but these letters were not produced. And the sourth had no other support, than the evidence of the solicitor general; a testimony, of which Sir Thomas entirely discredited the validity.

That worthy and innocent man continued his defence, faying that he had no malice or treason in his heart, when he advised the king against his second marriage; but gave his opinion when commanded by his majesty, according to his conscience, and his duty; and therefore had he resused to comply with his request, his majesty might then have justly resented it. As to the second charge, he thought silence was no sign of the malice of his heart; for according to the civilians, he who held his peace seemed to consent. And he declared at the same time, he had never east any reslection on the statute, in the presence of any man. With regard to the third charge, that of maliciously advising Fisher not to comply with the act, he de-

fired that his letters which were faid to prove it, might be produced: for he was confident they would acquit him, of having given such advice. And as to the fourth article, the words were no reflection on the act, even had he spoken them; whereas he had said nothing of that tendency. He objected to the evidence of the solicitor, on whose testimony he was charged with them, and appealed to the memory of the lords who were present at the conference, and who all immediately declared, that they heard no such words.

The principal evidence for the crown, was Mr. Rich, the folicitor general; who deposed that when he went to the Tower, for Sir Thomas's books and papers, he had a conversation with him, in which having himself confeffed, that no parliament could make a law, that God should not be God, Sir Thomas replied, " No more " can the parliament make the king supreme head of the "church." To this charge Sir Thomas answered, "If I " were a man my lords that did not regard an oath, I need-" ed not at this time and in this place, as it is well known " to you all, to stand as an accused person. And if this oath, "Mr. Rich, which you have taken, be true, then I pray "that I may never fee God in the face; which I would "not fay were it otherwife, to gain the whole world." Upon which the folicitor being unable to prove his teftimony by other witneffes, though he attempted it, that allegation was dropped.

In those days of ignorance, trial by jury was in crown indictments, a mere formality; requisite only to exonerate a bloody tyrant, from the odium of murdering his friend.

" For the jury" fays Salmon, " was fo managed, that

" within a quarter of an hour after they were gone out,

" they returned with a verdict, that the prisoner was

" GUILTY of high treason."

They had no fooner brought in this verdict, than the Lord Chancellor Audley began to pronounce the fentence. But Sir Thomas stopped him, and faid "My lord, when I " was towards the law, the manner in fuch cases was to ask " the prisoner before sentence, whether he could give any " reason why judgment should not proceed against him." Upon this the chancellor asked, what he was able to al-It appears that he objected in his answer to the ledge. validity of the indictment. For whether his reasons were unanswerable, or the chancellor only feared, by taking the condemnation on himself, to excite the popular indignation, he turned to the lord chief justice, and asked him aloud his opinion on its validity. The chief justice, whose name was Fitz-james, answered, "My lords all, by St. Gillian " I must needs confess, that if the act of parliament be not " unlawful, then in my conscience the indictment is not in-" fufficient." For it is faid, that Sir Thomas had also objected in arrest of judgment, that an act of parliament could not give the king the supremacy of a church, of which England was only a part: a supremacy which he said none but heaven could confer. Immediately on the Lord Chief Justice having delivered his opinion, the Lord Chancellor faid, "Lo, my Lords, do you hear what my Lord Chief " Justice faith;" and without waiting for any reply, proceeded to pass sentence, in terms too horrid to be presented to the civilized reader, and which on account of the high office office he had borne, were afterwards changed into simple decollation, except the exposition of his head on London Bridge.

The courtas foon as sentence was pronounced, informing Sir Thomas, that if he had any thing further to say, they were ready to hear him, he addressed them in these words. "I have nothing further to say my lords, but that like as the blessed apostle Paul, was present and consented to the death of Stephen, and kept their clothes who stoned him to death, and yet be they now both twain holy saints in heaven, and shall continue there friends for ever, so I verily trust, and shall therefore right heartily pray, that though your lordships have now been judges on earth to my condemnation, we may yet hereaster all meet together in heaven, to our everlasting salvation. And so I pray God preserve you all, and especially my sove-

Having thus nobly taken leave of the court, he was conducted from the bar to the Tower by water, with the axe carried before him, as was usual after condemnation. But when he came to the Tower wharf, his favorite daughter Mrs. Margaret Roper, thinking this would be the last opportunity, was waiting to see him. As soon as he appeared, she burst through the crowd and guard which surrounded him, and having received his blessing on her knees, she embraced him eagerly with a flood of tears, and a thousand kisses of tenderness and affection: and her heart being almost ready to break, she could only sob out, "My father, oh my father!" But even this affecting scene did not overpower his fortitude. He took her in his arms,

and told her "That whatever he should suffer, though he was innocent, yet it was not without the will of God, to whose blessed pleasure she should conform her own: That she knew well enough all the secrets of his heart; and that she must be patient for her loss." But searcely had she left him, before her passion of grief and love, again irressibily impelled her to press through the crowd, and eagerly to throw her arms once more around his neck, and hang upon him with her embraces, ready to die with forrow. This was too much; and though he did not speak a word, yet the tears slowed down his manly cheeks, till she took a last embrace and left him.

After a few days, one of the king's creatures made him a visit, in order to prevail on him yet to comply with his master's desire and change his mind. Sir Thomas at length got rid of his repeated importunities by one of those pleasantries, which marked his character to the last. "I have changed it" said he. These words the courtier carried with great exultation to the king, who would scarcely believe what he heard. In this it afterwards appeared that Henry was right. For Sir Thomas on being urged to repeat his recantation, answered with a smile that he had no otherwise changed his mind, than "whereas he had intended to be shaved, in order to appear to the people as he was wont to do before his imprisonment, he was now fully resolved, his beard should share the same fate with his head."

With the same easy facetiousness, when he was informed of the king's mercy and pardon as it was insolently called, in commuting his sentence, he said "God forbid the "king

king should use any more such mercy to any of my friends, and God preserve my posterity from such par-

On the 5th of July 1535, about a month after the trial, Mr. Pope (afterwards Sir Thomas) who was More's particular friend, was fent by the king very early in the morning, to acquaint him that he should be executed that day at nine o'clock; and therefore that he must immediately prepare for death. If the king thought to intimidate him into compliance by so short a notice, he lost his object; for Sir Thomas More faid, " I most heartily " thank you for your good tidings. I have been much bound to the king's highness for the benefit of hishonors, " that he has most bountifully bestowed on me; yet I am " more bound to his grace, I do affure you, for putting " me here, where I have had convenient time and space, " to have remembrance of my end. And, fo help me God, " most of all I am bound unto him, that it hath pleased " his majesty so shortly to rid me out of the miseries of " this wretched world." His friend then informed him that his majesty's pleasure further was, that he should not use many words at his execution. To which Sir Thomas replied, "You do well Mr. Pope to give me " warning of the king's pleasure herein, for otherwise I " had proposed at that time to have spoken somewhat, " but nothing wherewith his grace or any others fhould " have cause to be offended. Howbeit whatsoever I in-" tended, I am ready to conform myfelf obediently to his " highness's command. And I beseech you good Mr. " Pope, to be a means to his majesty that my daughter Vol. III. Mar"Margaret may be at my burial." Mr. Pope now took leave of his friend, with many tears and much commiferation: but Sir Thomas defired him to be comforted with the prospect of eternal bliss, in which they should live and love together. And to shew the ease and quietness of his own mind, he took his urinal, and casting his water as it is called, said "I see no danger but that this man might "live longer, if it had pleased the king."

As foon as Mr. Pope had left him, he dressed himself in the best cloaths he had, that his appearance might express the ease and complacency which he felt within. But the lieutenant of the Tower objecting to this generosity, as the executioner was to have his cloaths, Sir Thomas assured him that "were it cloth of gold, he should think it well bestowed, on him who was to do him so singular a benefit." The lieutenant however pressed him very much to change his dress, and as he was a friend, and Sir Thomas unwilling to resuse so trisling a gratification, he put on a gown of frize, and of the little money he had lest, sent an angel to the executioner, as a token of good will.

And now the fatal hour was come, and Sir Thomas was about nine o'clock brought out from the Tower for execution. His beard which he had always been accustomed to shave was then long, his countenance pale, and, still a bigot to a superstitious religion, he carried in his hands a red cross, casting his eyes every now and then towards heaven.

On his way to the place of execution, on Tower hill, a woman supposed to be suborned by his adversaries to disgrace him, followed, and called out that he had done

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her a great injury when Lord Chancellor, by passing an unjust decree against her. But he answered that he remembered her cause very well, and that were he again to give sentence, he would confirm what he had done.

Another woman met him with a cup of wine; but he refused it, faying, "that Christ at his passion, did not "drink wine, but gaul and vinegar."

When brought to the scaffold, it appeared so weak as not to be capable of sustaining his weight. When, in his usual facetious way, which he retained to the last, he said to the lieutenant of the Tower who attended him, " Pray " Sir assist me to get up: as for my coming down, let me " shift for myself." Then he kneeled down, and repeated the miferere pfalm, with great fervor and devotion; and rifing up with undaunted firmness, he kiffed the executioner who had begged his forgiveness, and faid "this " day you will do me a greater fervice than ever any " man did. Pull up your spirits, and be not afraid to do " your duty. Take heed therefore not to miss your stroke, " lest you lose your credit." For his neck was very short. When the executioner offered to cover his eyes, he faid " I will cover them myfelf;" which he immediately did, with a cloth he had brought for that purpose. Then laying his head on the block, he bid the executioner stay till he had put aside his beard; " for that" said he, " never " was guilty of treason."

Thus perished soon after the meridian of a virtuous life, the favorite companion and confidential adviser of a king. Thus fatally poisonous was the illusive favor of a tyrant.

se It

It is not easy," fays Salmon in his remarks on the trial. " to conceive what there was in the charge, even had it been all proved, that could amount to high trea-" fon, or even to a misdemeanor; unless it be criminal, " not to think always as the king thinks. Very preca-" rious was the life of a subject in this reign. Whatever " the court was pleafed to denominate treafon, was ad-" judged treason; and whoever the ministry thought fit " to accuse was found guilty. No jury or court of jus-" tice dared refuse to convict, any man the king intimated he would have condemned to death; and par-" liament only met to execute the king's decrees. We " may therefore look upon this reign of Henry VIII. as " the most tyrannical, arbitrary, and cruel, that is to be " met with in our annals. From this perfecution of Sir "Thomas More it appears, that neither virtue, parts, " learning, or even innocence, were any protection. This " great man's steady and persevering virtue, was a reor proach to the tyrant, who feemed determined to fuffer " no man to live, that would not fall down and worship " him, and change his creed as often as himfelf should " alter his mind."

The body of Sir Thomas More was interred, first in the chapel of St. Peter ad vincula in the Tower, and afterwards by his daughter Margaret's intervention in Chelsea church; where a monument with an inscription written by himself, had been crecked some time before, and is still extant. She also procured his head after sourteen days exposition, although it was to have been thrown into the Thames,

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Thames, to make room for other victims to the cruelty of her father's murderer. For this the was summoned before the privy council, where she behaved with the greatest firmness, and justified her conduct on principles of humanity and filial piety. Notwithstanding this, she was absurdly and wickedly committed to prison, though only for a short time. At the death of this lady, the head of Sir Thomas, which she had preserved with religious veneration in a box of lead, was committed with her own body to the grave, at St. Dunstan's in Canterbury; and was seen standing on her cossin so late as the year 1715, when the vault of the Roper family into which she had married, was opened.

Sir Thomas was of a middle stature, and extremely well proportioned. His complexion was fair, with a light tincture of red, and the colour of his hair was a dark chesnut. He had grey eyes, and a thin beard. His countenance was the true index of his mind, always cheerful and pleasant, composed by habit into an agreeable smile, seemingly calculated for innocent mirth and sestivity, rather than gravity or dignity. In walking, his right shoulder appeared higher than the other, but this proceeded from habit and not from desect.

In his dress he was generally very plain; but when the dignity of his office required it, he conformed to custom. His constitution was generally healthy; but towards the latter part of his life he was incommoded with a pain in his breast, and experienced some decay of strength. And this was the pretext, on which he resigned the office of Chancellor.

It

It is univerfally allowed, that Sir Thomas was admirably skilled in every branch of polite literature; and as Bishop Burnet says, he was esteemed one of the greatest prodigies of wit and learning, that England had ever produced: while for justice, contempt of money, humility, and true generosity of mind, he was an example to the age in which he lived.

There is however one blemish and only one, in the character of More, which every lover of humanity must lament. I mean his adopting the fuperftitious and tyrannical idea of forcing men into his own way of thinking, and his perfecuting even to cruelty those who appeared guilty of oppofing what he conceived to be the true religion. For when we compare the character of that age (certainly more religious than ours) with the present enlightened period, and fee the equal right of thinking violated by a man of otherwise unblemished virtue, we must surely perceive, how much we mistake the character of that idol we adore and honor under the name of religion. For if there ever existed a religious man, More was certainly one. He built a fummer-house, library, and chapel, at some distance from his mansion, whither besides a kind of morning and evening fervice performed with his family in the house, he used frequently to retire even from them; and on Friday spent the whole day there. He also wrote several books in a very virulent stile, in defence of the Romish faith, and in opposition to the new church system. And these works were so grateful to the English clergy, that judging by their own feelings that money was the only object with Sir Thomas, they unanimously voted him in full convocation,

cation, a present of four or five thousand pounds,* raised by a general contribution; with which three Bishops were deputed to wait upon him. But he replied, "It is no " fmall comfort to me, that fuch wife and learned men " fo well accepted of my works, but I never will receive " any reward for them but at the hand of God." Upon this the Rishops asked leave to present the money to his family: but he answered, " Not so indeed my lords. I had " rather fee it cast into the Thames, than that I, or any of mine should have any of it. For though your lord-" ships' offer is very friendly and honorable to me, yet I " fet so much by my pleasure, and so little by my profit, " that in good faith I would not for a much larger fum, " have loft the rest of so many nights as were spent on " these writings. And yet I wish, upon condition that all " herefies were suppressed, that all my books were burnt " and my labor entirely loft." This answer surprised the They withdrew however with apparent reluctance, and restored the money to the subscribers.

The praise of such a body declines however in value in proportion to the improvement of reason. "Sir "Thomas as Burnet very truly remarks was a very priest in matters of religion." For if we rely on that writer's authority, like a priest he wrote, and like a priest he persecuted. "Few inquisitors says Hume, have been guilty of greater violence in their prosecution of heresy. Though adorned with the gentlest manners as well as the purest integrity, he carried to the utmost height his aversion to here

^{*} Equal to 30,00cl. at this day.

terodoxy. And James Bainham in particular, a gentleman of the Temple, experienced from him the greatest severity. Bainham, accused of favoring the new opinions, was carried to More's house, and having resused to discover his accomplices, the chancellor, "by an act of authority" ordered him to be whipped in his presence, and afterwards sent him to the Tower, where he himself saw him put to the torture. The unhappy gentleman overcome by all these severities, abjured his opinions: but feeling afterwards the deepest compunction for his apostacy, openly returned to his former tenets, and even courted the crown of martyrdom. He was therefore condemned as an obstinate and relapsed heretic, and was burned in Smithfield."

The spirit of the times was such, as Mr. Hume proceeds to inform us, that "many were brought into the Bishops courts for offences which appear trivial, but which were regarded as symbols of the party: some for teaching their children the Lord's prayer in English, others for reading the New Testament in that language or for speaking against pilgrimages. To harbour the persecuted preachers, to neglect the fasts of the church, to declaim against the vices of the clergy, were capital offences."

The account given by Rapin of Sir Thomas's conduct in this respect is in substance as follows:

After Wolfey's difgrace, Sir Thomas More being made chancellor, perfuaded the king that what most injured him at the court of Rome, was a report of his favouring the supporters of the new opinions; and that the only way to remove this prejudice, was to demonstrate his zeal

for the church. Henry therefore agreed to order the laws against heretics and their books to be rigorously executed. And several copies of Tindal's translation of the Bible, the importation of which and of all other heretical books was very strictly prohibited, having been discovered by the Bishop of London, he had them publicly burnt by the hangman: from which, it appears, many people inferred, that the scriptures were contrary to the religion generally professed.*

"While More was chancellor" fays Rapin, "he spared no pains utterly to destroy those who embraced the Reformation. But at length the king finding it his interest to keep fair with the German Protestants, put a stop to More's persecution." An expression which confirms the otherwise suspenses account of Burnet.

Sir Thomas indeed had condemned this conduct before he was himself in power. For he says in his Eutopia, "that this people allows liberty of conscience, and does not force their religion on any one; that they do not prevent a sober inquiry into truth, nor use any violence on account of a difference of belief."

Thus has religion always had for its principal object to retard the progress of reason; for it has always been em-

^{*} It is pleasant to observe, how much the Bishop contributed in various ways to strengthen the very cause he opposed, by ordering all the remaining copies of that work from Antwerp, and having them burnt in Cheapside. This was the occasion of a new edition being printed the next year, when the publisher's friend and supporter Constantine, on being asked by the Chancellor what was the cause of so rapid a sale, answered that the Bishop of London occasioned it, by having bought up the last half of the former impression.

ployed to suppress new opinions and support the old. A mode of action of which reason, progressive reason, is directly the reverse.

The expressions indeed of the historians of those times are exceedingly remarkable. They seem to write as if they were speaking of the present period; but their language is equally applicable to any other point in the history of the world, from the days of Anaxagoras or Socrates, down to the once new morality of Jesus Christ: from the days of Copernicus, the persecuted reviver of Plato's opinion concerning the rotundity of the earth and the existence of Antipodes, to the new but Christian, the Gallic but once British doctrine, of equal rights.

Were any one to write a history of the progress of philosophy or of the advancement of the rational faculty, he would do little more than relate a long series of similar contests, between the new and the old opinions, between the light of reason and philanthropy and the darkness of superstition and slavery.

The facts we have just recorded are such as it is unpleasant to relate, particularly of a man whom every one takes a pleasure to love; a man whose life we can scarcely peruse, without contracting as it were a personal friendship and acquaintance, with that amiable patriot and friend of mankind. But as such characters as that of Sir Thomas More are rare, so these blemishes can produce no other feelings in the philanthropic breast, than an absolute conviction accompanied with deep regret, that religion when supported by the state, does really lead to consequences, clearly and decidedly immoral;—perhaps it does

does so in the direct proportion of the general innocence and virtuous tenor of the character. It corrupts the heart and estranges man from his brother.

Were this fact disputed, we might in a certain point of view assert, that we have an instance on record, of an almost perfect character contaminated and rendered immoral, nay even criminal, by that principle of superstition, which we are too apt to honor with the name of religion. And Sir Thomas More though he might be said

"Nil conscire sibi, nulla pallescere culpa,*" would by no means appear

" Integer vitæ, scelerisque purus.t"

But peace to his manes; for he fell a victim to that very fpirit, which constituted the only fault, that even his enemies can attribute to his excellent heart.

Another perhaps equally ill founded accufation against him, is that he affected fingularity: but this feems to be only the envious cavilling, of those who did not equal him in the fingularity of his virtue, or who had not the same taste for domestic retirement, and the same attachment to the remote branches of their family.

The facetious turn of his mind was censured by Lord Herbert, and even by Erasmus; who calls him another Democritus. Mr. Addison however wrote his apology, and very justly afferted, that More's facetiousness continuing to the last moment of his life, was a proof of his perfect innocence. "He saw nothing in death," says that writer, "to put him out of his ordinary humor."

This may be rendered,

^{*} To know no inward pang of conscious blame.

[†] Of spotless life, and pure unsullied fame.

These objections to an innocent turn of mind, bring to my recollection the reply of a lady with whom I had the happiness to be acquainted, and who retained her usual equanimity and pleasantness, even when her husband's missfortunes had deprived her of every support, but that of good spirits. This respectable but unfortunate lady, in answer to the cavils of those, who disapproved her not assuming an artificial weak dejection of countenance, said it was very hard, when she had lost all without any fault of her own, that they should wish also to deprive her of that internal consolation.

Indeed Sir Thomas best made his own apology, by turning the charge into good natured ridicule, when he says in his letter to Peter Giles, "Some are so sour, they can allow no jests, and are as much asraid of any thing gay and lively, as a man bit with a mad dog is of water."

An answer perhaps still more in point, may be taken from the last chapter of the Eutopia, (page 124) where the author speaks of death. "They believe certainly and surely," says he, "that man's bliss shall be so great, that they do mourn every man's sickness, but no man's death; unless it be one whom they see depart from his life, carefully and against his will. For this they take for a very evil token, as if the soul being in despair, and vexed in conscience through some privy and fecret foreseeling of the punishment now at hand, were afraid to depart.—They therefore that see this kind of death, do abhor it, and them that so die, they bury with sorrow and silence.—Contrariwise all they that depart mer-

"rily and full of good hope, for them no man mourneth, but followeth the hearfe with joyful finging.—When they be come home, they rehearfe his virtuous manners and his good deeds; but no part of his life is fo oft or fo gladly talked of, as his merry death."

Sir Thomas it feems was also a patron of the polite arts. For Hans Holbein being recommended to him by a letter from Erasmus, during his chancellorship, Sir Thomas received him at his house, and entertained him till he had painted all his family; and then taking occasion to shew his pieces to the king, Henry was so struck with their execution, that he asked Sir Thomas if such an artist was alive, and could be procured for money. Upon which Holbein was introduced to his Majesty, and immediately taken into the king's service, till he died of the plague in 1554.

The talents and virtues of Sir Thomas More, procured him not only the treacherous attentions and perfidious favour of a king, but what is of infinitely more real and permanent value, the heartfelt esteem and friendship, of the greatest luminaries of learning among his cotemporaries; and particularly that of the immortal Erasmus.

Sir Thomas had by his first wife three daughters and one son, who all survived him. The three daughters coming first, and his wife being very desirous of a boy, she had one at last, who was almost an idiot. Upon which Sir Thomas said, "she had prayed so long for a boy, "that she had now one who would continue a boy as long as he lived." He gave him however all the advantages of a liberal education, by which his natural abilities

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were greatly improved. After the death of his father, he also was committed to the Tower, and condemned, for refusing the same oath of supremacy. But though he was afterwards pardoned and restored to liberty, he did not long survive the period of his imprisonment.

The amiable character of his eldest daughter Margaret, is happily drawn both by Addison and Walpole; and fome account of her life has been given by Ballard in his Memoirs of Learned Ladies. the age of twenty she married William Roper Esq. of Well-hall in Kent, whose life of Sir Thomas More was published by Mr. Hearne at Oxford in 1716. This marriage gave infinite fatisfaction to Sir Thomas, of whole parental affection Mrs. Roper feems to have been the dearest object: a preference which is evinced by the whole tenor of their history, and was more particularly marked in his letters to his daughter. In an age when the graces of the mind were regarded as an effential object in female education, the was most eminently distinguished by her learning, and particularly by her knowledge of Latin and Greck: but the beauty and force of her filial piety, reflects even a superior lustre on this accomplished woman. There is more than one passage in her life says Mr. Hayley, in the notes on his epistle to a painter, which would furnish an admirable subject for the pencil; and her interview with her father on his return to the Tower, is mentioned as fuch by Mr. Walpole in his Anecdotes of painting: where he mentions the remains of the family of More, as then refiding at Barnborough in Yorkshire. But the muse of Hayly has chosen a different scene: and with with the licence which as Horace fays is allowed to both the fifter arts, has introduced into the prefence of the council, that head whose dictates it had once so much respected.

Shall Roman charity for ever share,
Thro' every various school each painter's care,
And Britain still her bright examples hide,
Of semale glory and of silial pride?
Instruct our eyes, my Romney, to adore,
Th' heroic daughter of the virtuous More:
Resolved to save, or in the attempt expire,
The precious relicks of her martyr'd sire,
Before the cruel council let her stand,
Press the dear ghastly head with pitying hand,
And plead, while bigotry itself grows mild,
The sacred duties of a grateful child.

The life of Sir Thomas More and his reverse of fortune, have also been chosen as a subject for a tragedy, by the elegant pen of Mr. James Hurdis, Professor of Poetry at Oxford; where although more events are concentrated within the space of a day, than probability will readily admit, this licence of the poet has enabled him considerably to heighten the catastrophe of his play.

Sir Thomas was the author of various works, of which the first volume of the Athenæ Oxonienses contains a catalogue. But his Eutopia (de optimo reipublicæ statu dequa nova Insula Utopia &c.) is the only work which has survived in the esteem of the world; the rest being ehiefly of a polemic nature. His answer to Luther has only gained him the credit, of having the best knack of any man in Europe, of giving men bad names in good Latin. His English works were collected and published by order

of Queen Mary, in 1557, his Latin at Basil in 1562 and at Louvain in 1566.*

Note on the office of Chancellor, referring to page xvi.

It is a fact not fufficiently attended to by historians, that throughout that fystem of political superstition which preceded the reformation, and which like every other connection between church and state, is too often confounded with true christianity, the office of chancellor was in a great measure monopolized by the church, and usually given to a cardinal or bishop. Fortunately it was among the lesser changes of that revolution, that the church was no longer to hold an undivided sway, and dictate in a branch of our jurisprudence, which doubtless through superstitious motives, was most free from the restraint of precedent, or the troublesome precision of the common law courts.

This change however is to be attributed to the same selfish motives, as all the others that produced what is called the reformation. For Sir Thomas More was promoted to this high office, not because he was a layman or an honest man, but because the king expected his assistance in his own anti-ecclesiastical matrimonial views. Whether the union of church and law like that of church and state, gave rise to the glorious uncertainty, or the lucrative delay of that tedious court, may be disputed:

^{*} Authorities:---Roper's life of More in the Brit. Museum, Harleian MSS. No. 70, 30. Hoddesdon's life of More. Dr. Warner's ditto, Biog. Britun. Jortin's life of Etasimus. Burnet's hist. of the Reformation. Burnet's life of More. Salmon's review of state trials. Rapin, Hume, Herbert. Johnson's hist. of the English language, prefixed to his distionary. Ballard's mem. of learned ladies.

but the right and title of the chancellor to be keeper of the king's conscience, as he still continues in virtue of his office, clearly takes its source in that union, and would confirm the credibility of these facts, even without surther historical investigation.

But on so interesting a subject, we ought not to satisfy ourselves, without consulting the most indisputable authorities.

Sir William Blackstone observes, from Sir Edward Coke's Institutes,* that the Lord Chancellor is fo named a cancellende, from cancelling the king's letters patent when granted contrary to law, which is the highest point of his jurisdiction. But distrusting it should seem, the etymon he had just adduced, he proceeds to inform us, that both "the office and name of Chancellor, however derived, was certainly known to the courts of the Roman Emperors; where it feems originally to have fignified a chief scribe or secretary, who was afterwards invested with feveral judicial powers, and a general superintendence over the other officers of the prince. From the Roman Empire it passed to the Roman Church, ever emulous of imperial state. Thus every Bishop has to this day his chancellor, the principal judge of his confistory; and among the modern kingdoms of Europe established on the ruins of that empire, almost every state has preserved its chancellor, with different jurisdictions and dignities according to their various conftitutions."t

The comprehensive and almost absolute authority and jurisdiction of the Chancellor, appear from the same wri-

^{*} Inft. vol. IV. p. 88.

[†] Comment. vol. III. c. 4.

ter's description of his office: where it is observable, that " he has the fupervision of all charters and public instruments of the crown. He becomes also, without writ or patent," (i. e. by the mere delivery of the feals) " an officer of the greatest weight and power of any now subfifting in the kingdom, and fuperior in point of precedency to every temporal lord.* He is a privy counfellor by his office, and according to Lord Chancellor Ellesmere, prolocutor of the House of Lords by prescription. belongs the appointment of all justices of the peace," (another branch of the ancient fystem of arbitrary power) "throughout the kingdom. Being formerly an ecclefiaftic, (for none else, fays the learned judge, were then capable of an office fo conversant in writings) and prefiding over the royal chapel, the became keeper of the king's conscience, visitor under the crown of all hospitals and colleges of royal foundation, and patron of all the crown livings under the value of 201. per ann. in the king's books:" a power by which he influences the public opinion through the medium of the abovementioned political superstition, as by appointing the justices of peace, he gives a tone to the more minute reftraints of law on our conduct. "He is also the general guardian of all infants, ideots, and lunatics, and has the general superintendence of all the charitable uses in the kingdom. And all this over and above the vast and extensive jurisdiction, which he exercises in his judicial capacity in the court of chancery." A vast and extensive jurisdiction indeed! and whether it

^{*} Stat. 31 Hen. VIII. c. 10.

[†] Madox Hift. Exch. 42.

be not too much for an individual to posses, will be better understood when the RIGHTS OF MAN, of which Blackstone* has already treated, have received that full discussion, which must ultimately establish truth and equity, and overthrow error, superstition, and despotism.

The enormous influence and power always annexed to the high dignity of this office, may be instanced in feveral acts of state previous to the conquest of our island by William, and traced even to the venerable records of the Saxon age. At that time the imposing authority of ecclesiastic superstition, itself a monster in the state, was added to the legal functions of an office, which, with only half its original power, still retains so vast and extenfive a jurisdiction; and which fince that superstition has been rendered subordinate to the crown, is the only judicial office, from which the king can arbitrarily displace. Thus king Ethelred gave the chancellorship to be annexed in perpetual fuccession to the church of Ely; although Sir Edward Coket confiders fuch grants as void in law. Alfo. on the advice of chancellor Reinbald, Edward the Confessor granted lands to the Abbot of Westminster, and with his own hands affixed the fign of the crofs to the charter. ±

Thus it appears that Polydore Virgil was in an error, when he afferted that the court of chancery originated with the usurpation of the Norman conqueror. William

† 4 Init. 73

I Ibi J.

^{*} See the whole of book I. on Rights of Perfons: or rather fee the whole work,

however, in conformity to the practice of his predeceffors, gave the office of chancellor to Arfastus Bishop of Northelmham in Norfolk, who transferred his see to Thetford.

The importance of the office which was thus monopolized by the church is the more apparent, as it is laid down by Fitz-Stephens, who wrote in the reign of Henry II.* that " the chancellor holds the fecond dignity to that of the fovereign." And as precedency was regulated by established custom till the Stat. 31 Hen. VIII. c. 10. so the fame fuper-eminence of rank continued to be enjoyed by Sir Thomas More, although a layman, even after Henry VIII. had thrown off the Roman yoke. For we find in a copy of the articles drawn up under a special commission, by the chancellor, the duke of Norfolk, and several other lords, judges, and members of the privy-council, which is preserved in the Institutes of Sir Edward Coke,t that the chancellor's fignature is the first in order, and though a commoner, precedes that of the duke of Norfolk. 1

The extreme ignorance and bigotry of those early periods concurred to suppress almost every right of the free-born soul, and to accumulate every power of the human mind in ceclesiastic hands. Even Fleta, who wrote § in

^{*} Stow's Survey verfus finem.

^{† 4} Inft. 95.

It is observable that the manner of figning, was to add the initial of the prænormen, or Christian name as it is vulgarly called. T. More, T. Norfolk, Char. Suffolk, &c.

[§] Blackft. Comm. iv. c. 33. p. 427-

the reign of Edward I. when speaking of this great office, considers its being vested in some prudent and discreet bishop or clerk as an established maxim. He even extends that clerical influence still further, by associating with him honest and upright ecclesiastics, sworn to the king, and well skilled in the laws; whose office it was to examine the cases which should arise in that court, and to assist in the administration of that remedial part of justice which was committed to its cognizance.*

After this period, although we find on the rolls the names of feveral chancellors who were not ecclefiaftics, yet this high dignity, this vast and extensive jurisdiction, was on the whole fo generally appropriated to the church, that in the Parliament anno 45 Edwardi III. " a grievous complaint was made by the Lords and Commons, that the realm had been of long time governed by men of the church, in disherison of the crown: and they defired that laymen only might be principal officers," † &c. Thus It appears that the church encroached as much on the privileges of the crown, as on the liberties of the people. The fame complaint in the subsequent reign of Richard II. feems to carry on the like imputation, and to shew that too large a measure of dignity and power, given either to an individual or to a body like the church, is not only incompatible with human rights, but with human policy and personal virtue.

The enormities exercised in consequence of this accumulation of influence, riches, and authority, had then

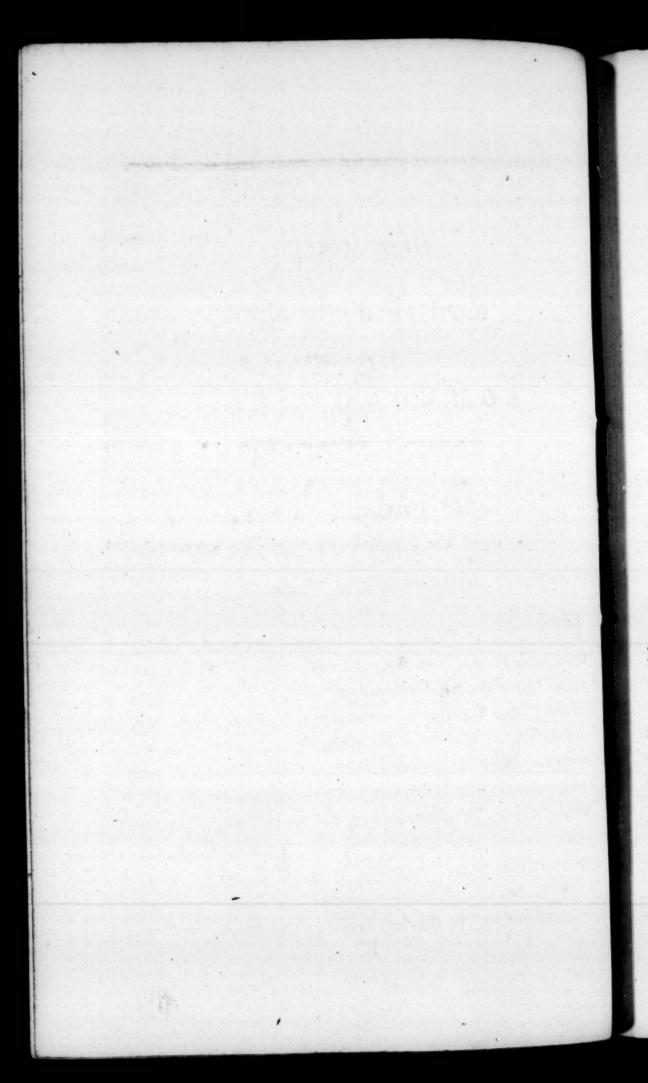
^{*} Fleta 1. 2. c. 12. Glanv. 1, 8, 12. c. 1, 5. † Coke's Inft. iv. 79.

grown to such a height, as to provoke the whole body of the realm! And a petition similar to that in the reign of Edward III. was now presented, on account not only of the corruption, but of the ignorance in the management of this high office. It requests "that the most wise and able men only might be selected for it, who would more readily redress the grievances complained of."

It would be tedious to purfue the long windings of a dry and unfruitful subject, on which so many volumes have been already written: but it is worthy of remark, that though by the oath of office the chancellor is bound to serve and counsel the king, and prevent the decrease of any of his rights, and to "do and purchase the King's profit in all that he may;" yet that oath contains not the most distant allusion to any obligation, as grand judiciary of the realm, to do or purchase any GOOD or RIGHTS for the People!

ERRATA.

- P. 4, I. 6, from the bottom, for an estate of 400l. per annum, read, by his practice a yearly revenue of 400l.
- P. 17, l. 4, add, after purchase, except the manors given him by the king. l. 14, after no, add, suitable.
- P. 38, 1. 15, for regious, read, religious.
 - Where a quotation is not in the first person, dele the marginal inverted commas



THE

DISCOURSES

OF

RAPHAEL HYTHLODAY,

OF THE BEST STATE OF A

COMMONWEALTH.

WRITTEN BY

SIR THOMAS MORE,

CITIZEN AND SHERIFF OF LONDON.

HENRY the Eighth, the unconquered king of England, a prince adorned with all the virtues that become a great monarch, having fome differences of no small confequence with Charles the most serence prince of Castile, sent me into Flanders, as his ambassador, for treating and composing matters between them. I was colleague and companion to that incomparable man Cuthbert Tonstal, whom the king with such universal applause lately made Master of the Rolls, but of whom I will say nothing, not because I fear that the testimony of a friend will be suspected, but rather because his learning and virtues are too great for me to do them justice, and so well known, Vol. III.

that they need not my commendations, unless I would, according to the proverb, shew the sun with a lantern.

Those that were appointed by the prince to treat with us, met us at Bruges, according to agreement: they were all worthy men. The Margrave of Bruges was their head, and the chief man among them; but he that was esteemed the wisest, and that spoke for the rest, was George Temse, the Provost of Casselse: both art and nature had concurred to make him eloquent. He was very learned in the law: and, as he had a great capacity, so, by a long practice in affairs, he was very dexterous at unravelling them.

After we had feveral times met, without coming to an agreement, they went to Bruffels for fome days, to know the prince's pleafure: and, fince our bufiness would admit it, I went to Antwerp. While I was there, among many that visited me, there was one that was more acceptable to me than any other; Peter Giles, born at Antwerp, who is a man of great honor, and of a good rank in his town, though less than he deserves; for I do not know if there be any where to be found a more learned and a better bred young man: for as he is both a very worthy and a very knowing person, so he is so civil to all men, fo particularly kind to his friends, and fo full of candor and affection, that there is not perhaps above one or two any where to be found, that is in all respects so perfect a friend. He is extraordinarily modest; there is no artifice in him; and yet no man has more of a prudent fimplicity. His conversation was so pleasant and so innocently cheerful, that his company in a great measure leffened

leffened any longings to go back to my country, and to my wife and children, which an absence of four months had quickened very much. One day as I was returning home from mass at St. Mary's, which is the chief church, and the most frequented of any in Antwerp, I faw him by accident talking with a stranger, who seemed past the flower of his age; his face was tanned, he had a long beard, and his cloak was hanging carelessly about him; fo that by his looks and habit I concluded he was a feaman. As foon as Peter faw me, he came and faluted me; and, as I was returning his civility, he took me afide, and pointing to him with whom he had been discoursing, he faid, Do you fee that man? I was just thinking to bring him to you. - I answered, he should have been very welcome on your account .- And on his own too, replied he, if you knew the man; for there is none alive that can give fo copious an account of unknown nations and countries as he can do; which I know you very much defire.-Then, faid I, I did not guess amiss; for at first fight I took him for a feaman.—But you are much mistaken, faid he; for he has not failed as a feaman, but as a traveller, or rather a philosopher. This Raphael, who from his family carries the name of Hythloday, is not ignorant of the Latin tongue, but is eminently learned in the Greek, having applied himself more particularly to that than to the former, because he had given himself much to philosophy, in which he knew that the Romans have left us nothing that is valuable, except what is to be found in Seneca and Cicero. He is a Portuguese by birth, and was so desirous of seeing the world, that he divided

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his estate among his brothers, run the same hazard as *Americus Vesputius, and bore a share in three of his four voyages, that are now published; only he did not return with him in his last, but obtained leave of him, almost by force, that he might be one of those twenty-four who were left at the farthest place at which they touched, in their last voyage to New Castile. The leaving him thus, did not a little gratify one that was more fond of travelling than of returning home, to be buried in his own country; for he used often to fay, that the way to heaven was the fame from all places; and he that had no grave had the heavens still over him. Yet this disposition of mind had cost him dear, if God had not been very gracious to him; for after he, with five Castilians, had travelled over many countries, at last, by strange good fortune, he got to Ceylon, and from thence to Calicut, where he very happily found fome Portuguese ships; and, beyond all men's expectations, returned to his native country.

When Peter had faid this to me, I thanked him for his kindness, in intending to give me the acquaintance of a man, whose conversation he knew would be so acceptable; and upon that Raphael and I embraced each other. After those civilities were past, which are usual with strangers upon their first meeting, we all went to my house; and, entering into the garden, sat down on a green bank, and entertained one another in discourse. He told us, that when Vesputius had sailed away, he and his companions that staid behind in New Castile, by degrees infinuated themselves into the affections of the people of

country, meeting often with them, and treating them gently; and at last they not only lived among them without danger, but conversed familiarly with them; and got fo far into the heart of a prince, whose name and country I have forgot, that he both furnished them plentifully with all things necessary, and also with the conveniencies of travelling, both boats when they went by water, and waggons when they travelled over land. He fent with them a very faithful guide, who was to introduce and recommend them to fuch other princes as they had a mind to fee. And after many days journey, they came to towns, and cities, and to commonwealths, that were both happily governed and well peopled. Under the Equator, and as far on both fides of it as the fun moves, there lay vast defarts that were parched with the perpetual heat of the fun; the foil was withered, all things looked difmally, and all places were either quite uninhabited, or abounded with wild beafts and ferpents, and fome few men, that were neither less wild, nor less cruel, than the beasts themselves. But as they went farther, a new scene opened; all things grew milder, the air less burning, the foil more verdant, and even the beafts were less wild; and at last there were nations, towns, and cities, that had not only mutual commerce among themselves, and with their neighbours, but traded, both by fea and land, to very remote countries. There they found the conveniencies of feeing many countries on all hands; for no ship went any voyage into which he and his companions were not very welcome. The first vessels that they saw were flatbottomed, their fails were made of reeds and wicker

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woven close together, only some were of leather; but afterwards they found ships made with round keels, and canvas fails, and in all respects like our ships; and the feamen understood both astronomy and navigation. He got wonderfully into their favour, by shewing them the use of the needle, of which till then they were utterly ignorant. They failed before with great caution, and only in fummer time, but now they count all feafons alike. truffing wholly to the loadstone, in which they are perhaps more fecuse than fafe; fo that there is reason to fear. that this discovery which was thought would prove so much to their advantage, may by their imprudence become an occasion of much mischief to them. But it were too long to dwell on all that he told us he had observed in every place; it would be too great a digreffion from our present purpose. Whatever is necessary to be told, concerning those wife and prudent institutions which he obferved among civilized nations, may perhaps be related by us on a more proper occasion. We asked him many questions concerning all these things, to which he answered very willingly; only we made no enquiries after monsters, than which nothing is more common; for every where one may hear of ravenous dogs and wolves, and cruel meneaters; but it is not fo easy to find states that are well and wifely governed.

As he told us of many things that were amiss in those new discovered countries, so he reckoned up not a few things, from which patterns might be taken for correcting the errors of these nations among whom we live; of which an account may be given, as I have already promised, at some

some other time; for at present I intend only to relate those particulars that he told us of the manners and laws of the Utopians: but I will begin with the occasion that led us to fpeak of that commonwealth. After Raphael had discoursed with great judgment on the many errors that were both among us and thefe nations; had treated of the wife institutions both here and there, and had spoken as diffinctly of the customs and government of every nation through which he had past, as if he had spent his whole life in it; Peter being struck with admiration, said i wonder Raphael, how it comes that you enter into no king's fervice, for I am fure there are none to whom you would not be very acceptable: for your learning and knowledge, both of men and things is fuch, that you would not only entertain them very pleafantly, but be of great use to them, by the examples you could fet before them, and the advices you could give them; and by this means you would both ferve your own interest, and be of great use to all your friends. As for my friends, answered he, I need not be much concerned, having already done for them all that was incumbent on me; for when I was not only in good health, but fresh and young, I distributed that among my kindred and friends, which other people do not part with till they are old and fick; when they then unwillingly give that which they can enjoy no longer themselves. I think my friends ought to rest contented with this, and not to expect that for their fakes I should enflave myfelf to any king whatsoever. Soft and fair, faid Peter, I do not mean that you should be a flave to any king, but only that you should affift B 4 them,

them, and be useful to them. The change of the word, faid he, does not alter the matter. But term it as you will, replied Peter, I do not fee any other way in which you can be fo useful, both in private to your friends, and to the public, and by which you can make your own condition happier. Happier! answered Raphael, is that to be compassed in a way so abhorrent to my genius? Now I live as I will, to which I believe few courtiers can pretend: and there are fo many that court the favour of great men, that there will be no great lofs, if they are not troubled either with me or with others of my temper. Upon this, faid I, I perceive, Raphael, that you neither defire wealth nor greatness; and indeed I value and admire fuch a man much more than I do any of the great men in the world. Yet I think you would do what would well become fo generous and philosophical a foul as yours is, if you would apply your time and thoughts to public affairs, even though you may happen to find it a little uneasy to yourfelf; and this you can never do with fo much advantage, as by being taken into the council of fome great prince, and putting him on noble and worthy actions, which I know you would do if you were in fuch a post; for the fprings both of good and evil flow from the prince, over a whole nation, as from a lasting fountain. So much learning as you have, even without practice in affairs; or fo great a practice as you have had, without any other learning, would render you a very fit counfellor to any king whatfoever. You are doubly mistaken, said he, Mr. More, both in your opinion of me, and in the judgment you make of things: for as I have not that capacity that you

you fancy I have, fo, if I had it, the public would not be one jot the better, when I had facrificed my quiet to it. For most princes apply themselves more to affairs of war than to the useful arts of peace; and in these I neither have any knowledge, nor do I much defire it: they are generally more fet on acquiring new kingdoms, right or wrong, than on governing well those they possess. And among the ministers of princes, there are none that are not fo wife as to need no affiftance, or at leaft that do not think themselves so wise, that they imagine they need none; and if they court any, it is only those for whom the prince has much personal favour, whom by their fawnings and flatteries they endeavour to fix to their own interests: and indeed Nature has fo made us, that we all love to be flattered, and to please ourselves with our own notions. The old crow loves his young, and the ape her cubs. Now if in fuch a court, made up of persons who envy all others. and only admire themselves, a person should but propose any thing that he had either read in history, or observed in his travels, the rest would think that the reputation of their wisdom would fink, and that their interests would be much depressed, if they could not run it down: and if all other things failed, then they would fly to this, That fuch or fuch things pleafed our ancestors, and it were well for us if we could but match them. They would fet up their rest on such an answer, as a sufficient consutation of all that could be faid; as if it were a great misfortune, that any should be found wifer than his ancestors: but though they willingly let go all the good things that were among those of former ages; yet, if better things are proposed, they they cover themselves obstinately with this excuse, of reverence to past times. I have met with these proud, morose, and absurd judgments of things in many places, particularly once in England. Was you ever there, said I?—Yes, I was, answered he, and staid some months there, not long after the rebellion in the West was suppressed, with a great slaughter of the poor people that were engaged in it.

I was then much obliged to that reverend prelate John Morton, Archbishop of Canterbury, Cardinal, and Chancellor of England; a man, faid he, Peter (for Mr. More knows well what he was), that was not less venerable for his wisdom and virtues, than for the high character he bore. He was of a middle stature, not broken with age; his looks begot reverence rather than fear; his conversation was easy, but serious and grave; he sometimes took pleasure to try the force of those that came as suitors to him upon bufinefs, by fpeaking sharply, though decently to them, and by that he discovered their spirit and prefence of mind, with which he was much delighted, when it did not grow up to impudence, as bearing a great refemblance to his own temper; and he looked on fuch perfons as the fittest men for affairs. He spoke both gracefully and weightily; he was eminently skilled in the law, had a vast understanding, and a prodigious memory; and those excellent talents with which Nature had furnished him, were improved by fludy and experience. When I was in England, the king depended much on his counfels, and the government feemed to be chiefly supported by him; for from his youth he had been all along practifed in affairs; and having passed through many traverses of fortune, he had with great cost acquired a vast stock of wisdom, which is not soon lost, when it is purchased so dear.

One day, when I was dining with him, there happened to be at table one of the English lawyers, who took occafion to run out in a high commendation of the fevere execution of justice upon thieves, who, as he faid, were then hanged fo fast, that there were fometimes twenty on one gibbet; and upon that he faid, he could not wonder enough how it came to pass, that fince so few escaped, there were yet fo many thieves left, who were still robbing in all places. Upon this, I, who took the boldness to speak freely before the cardinal, faid, there was no reason to wonder at the matter, fince this way of punishing thieves was neither just in itself nor good for the public; for as the feverity was too great, fo the remedy was not effectual; fimple theft not being fo great a crime, that it ought to cost a man his life; no punishment, how severe foever, being able to restrain those from robbing, who can find out no other way of livelihood. In this, faid I, not only you in England, but a great part of the world, imitate some ill masters, that are readier to chastise their scholars than to teach them. There are dreadful punishments enacted against thieves; but it were much better to make fuch good provisions, by which every man might be put in a method how to live, and fo be preserved from the fatal necessity of stealing, and of dying for it. - There has been care enough taken for that, faid he, there are many handicrafts, and there is husbandry, by which they may

may make a shift to live, unless they have a greater mind to follow ill courses.—That will not serve your turn, said I, for many lose their limbs in civil or foreign wars, as lately in the Cornish rebellion, and some time ago in your wars with France, who, being thus mutilated in the fervice of their king and country, can no more follow their old trades, and are too old to learn new ones. But fince wars are only accidental things, and have intervals, let us consider those things that fall out every day. There is a great number of noblemen among you, that are themfelves as idle as drones, that fubfift on other men's labour -on the labour of their tenants, whom, to raise their revenues, they pare to the quick. This, indeed, is the only instance of their frugality; for in all other things they are prodigal, even to the beggaring of themselves. But, befides this, they carry about with them a great number of idle fellows, who never learned any art by which they may gain their living; and thefe, as foon as either their lord dies or they themselves fall sick, are turned out of doors; for your lords are readier to feed idle people than to take care of the fick; and often the heir is not able to keep together fo great a family as his predecessor did. Now, when the stomachs of those that are thus turned out of doors grow keen, they rob no less keenly. And, what elfe can they do? For when, by wandering about, they have worn out both their health and their clothes, and are tattered, and look ghaftly, men of quality will not entertain them, and poor men dare not do it; knowing that one who has been bred up in idleness and pleasure, and who was used to walk about with his

his fword and buckler, defpifing all the neighbourhood with an infolent fcorn, as far below him, is not fit for the fpade and mattock; nor will he ferve a poor man for fo fmall a hire, and on fo low a diet as he can afford to give him. To this he answered, This fort of men ought to be particularly cherished, for in them consists the force of the armies for which we have occasion; fince their birth infoires them with a nobler fense of honour than is to be found among tradefmen or ploughmen.-You may as well fay, replied I, that you must cherish thieves on the account of wars, for you will never want the one as long as you have the other; and as robbers prove fometimes gallant foldiers, fo foldiers often prove brave robbers; fo near an alliance there is between those two forts of life. But this bad custom, fo common among you, of keeping many fervants, is not peculiar to this nation. In France there is yet a more pestiferous fort of people, for the whole country is full of foldiers, still kept up in time of peace, if fuch a flate of a nation can be called a peace: and these are kept in pay upon the same account that you plead for those idle retainers about noblemen; this being a maxim of those pretended statesmen, that it is necessary for the public safety to have a good body of veteran foldiers ever in readiness. They think raw men are not to be depended on; and they fometimes feek occasions for making war, that they may train up their soldiers in the art of cutting throats; or, as Sallust observed, for keeping their hands in use, that they may not grow dull by too long an intermission. But France has learned to its cost, how dangerous it is to feed such beasts. The

fate of the Romans, Carthaginians, and Syrians, and many other nations and cities, which were both overturned and quite ruined by those standing armies, should make others wifer. And the folly of this maxim of the French appears plainly, even from this, that their trained foldiers often find your raw men prove too hard for them; of which I will not fay much, left you may think I flatter the English. Every day's experience shews, that the mechanics in the towns, or the clowns in the country, are not afraid of fighting with those idle gentlemen, if they are not disabled by some misfortune in their body, or dispirited by extreme want; fo that you need not fear, that those well-shaped and strong men (for it is only such that noblemen love to keep about them, till they spoil them), who now grow feeble with eafe, and are foftened with their effeminate manner of life, would be less fit for action if they were well bred and well employed. And it feems very unreasonable, that, for the prospect of a war, which you need never have but when you pleafe, you should maintain so many idle men, as will always disturb you in time of peace, which is ever to be more considered than war.

But I do not think that this necessity of stealing, arises only from hence; there is another cause of it more peculiar to England.—What is that? said the Cardinal.—The increase of pasture, said I, by which your sheep, which are naturally mild, and easily kept in order, may be said now to devour men, and unpeople, not only villages, but towns: for wherever it is sound, that the sheep of any soil yield a softer and richer wool than ordinary, there the nobility

nobility and gentry, and even those holy men the abbots. not contented with the old rents which their farms yielded, nor thinking it enough that they living at their eafe, do no good to the public, refolve to do it hurt instead of good. They ftop the course of agriculture, destroying houses and towns, referving only the churches, and inclose grounds that they may lodge their sheep in them, as if forests and parks had swallowed up too little of the land, those worthy country men turn the best inhabited places into folitudes; for when an unfatiable wretch, who is a plague to his country, refolves to inclose many thoufand acres of ground, the owners, as well as tenants, are turned out of their possessions, by tricks or by main force, or being wearied out with ill usage, they are forced to fell them. By which means those miserable people, both men and women, married and unmarried, old and young, with their poor, but numerous families, (fince country business requires many hands) are all forced to change their feats, not knowing whither to go; and they must fell almost for nothing, their houshold stuff, which could not bring them much money, even though they might flay for a buyer: when that little money is at an end, for it will be foon fpent; what is left for them to de, but either to freal and so to be hanged, (God knows how justly) or to go about and beg? And if they do this, they are put in prison as idle vagabonds; while they would willingly work, but can find none that will hire them; for there is no more occasion for country labour, to which they have been bred, when there is no arable ground left. One shepherd can look after a flock, which will stock an

extent of ground that would require many hands, if it were to be ploughed and reaped. This likewife in many places raifes the price of corn. The price of wool is also fo risen, that the poor people who were wont to make cloth, are no more able to buy it; and this likewife makes many of them idle. For fince the increase of pasture, God has punished the avarice of the owners, by a rot among the sheep, which has destroyed vast numbers of them; to us it might have feemed more just had it fell on the owners themselves. But suppose the sheep should increase ever fo much, their price is not like to fall; fince though they cannot be called a monopoly, because they are not engroffed by one person, yet they are in so few hands, and these are so rich, that as they are not pressed to sell them fooner than they have a mind to it, fo they never do it till they have raised the price as high as possible. And on the fame account it is, that the other kinds of cattle are fo dear, because many villages being pulled down, and all country labour being much neglected, there are none who make it their business to breed them. The rich do not breed cattle as they do sheep, but buy them lean, and at low prices; and after they have fattened them on their grounds, fell them again at righ rates. And I do not think that all the inconveniencies this will produce, are yet observed; for as they sell the cattle dear, so, if they are confumed faster than the breeding countries from which they are brought can afford them, then the stock must decrease, and this must needs end in great scarcity; and by these means, this your island, which seemed, as to this particular, the happiest in the world, will suffer much

by the curfed avarice of a few persons; besides this, the rifing of corn makes all people leffen their families as much as they can; and what can those who are dismissed by them do, but either beg or rob? And to this last, a man of a great mind is much fooner drawn than to the former. Luxury likewise breaks in apace upon you, to fet forward your poverty and mifery; there is an exceffive vanity in apparel, and great cost in diet, and that not only in noblemen's families, but even among tradefmen, among the farmers themselves, and among all ranks of persons. You have also many infamous houses, and, befides those that are known, the taverns and ale-houses are no better; add to these, dice, cards, tables, foot-ball, tennis, and coits, in which money runs fast away; and those that are initiated into them, must, in the conclusion, betake themselves to robbing for a supply. Banish these plagues, and give orders that those who have dispeopled fo much foil, may either rebuild the villages they have pulled down, or let out their grounds to fuch as will do it. Restrain those engrossings of the rich, that are as bad almost as monopolies; leave fewer occasions to idleness; let agriculture be fet up again, and the manufacture of the wool be regulated, that so there may be work found for those companies of idle people, whom want forces to be thieves, or who now being idle vagabonds, or ufelefs fervants, will certainly grow thieves at last. If you do not find a remedy to these evils, it is a vain thing to boast of your feverity in punishing theft; which, though it may have the appearance of justice, yet in itself is neither just nor convenient: for, if you suffer your people to be Vol. III. ill

ill educated, and their manners to be corrupted from their infancy, and then punish them for those crimes to which their first education disposed them, what else is to be concluded from this, but that you first make thieves and then punish them?

While I was talking thus, the counsellor who was prefent had prepared an answer, and had resolved to resume all I had faid, according to the formality of a debate, in which things are generally repeated more faithfully than they are answered; as if the chief trial to be made were of men's memories. You have talked prettily for a stranger, faid he, having heard of many things among us, which you have not been able to confider well; but I will make the whole matter plain to you, and will first repeat in order all that you have faid, then I will shew how much your ignorance of our affairs has misled you, and will, in the last place, answer all your arguments. And that I may begin where I promifed, there were four things ---Hold your peace, faid the cardinal; this will take up too much time; therefore we will at prefent ease you of the trouble of answering, and referve it to our next meeting, which shall be to-morrow, if Raphael's affairs and your's can admit of it. But, Raphael, faid he to me, I would gladly know upon what reason it is that you think theft ought not to be punished by death. Would you give way to it? Or, do you propose any other punish. ment that will be more ufeful to the public? For, fince death does not restrain theft, if men thought their lives would be fafe, what fear or force could reftrain ill men? On the contrary, they would look on the mitigation of the the punishment as an invitation to commit more crimes. -I answered, It seems to me a very unjust thing to take away a man's life for a little money, for nothing in the world can be of equal value with a man's life. And if it is faid, that it is not for the money that one fuffers, but for his breaking the law, I must fay, extreme justice is an extreme injury; for we ought not to approve of these terrible laws that make the smallest offence capital, nor of that opinion of the Stoics, that makes all crimes equal, as if there were no difference to be made between the killing a man and the taking his purfe, between which, if we examine things impartially, there is no likeness nor proportion. God has commanded us not to kill; and shall we kill so easily for a little money? But, if one shall fay, that by that law we are only forbid to kill any, except when the laws of the land allow of it; upon the fame grounds, laws may be made in fome cases to allow of adultery and perjury; for God having taken from us the right of disposing, either of our own, or of other people's lives, if it is pretended, that the mutual confent of men in making laws, can authorize manslaughter in cases in which God has given us no example, that it frees people from the obligation of the Divine law, and fo makes murder a lawful action; what is this, but to give a preference to human laws before the Divine? And if this is once admitted, by the fame rule, men may, in all other things, put what restrictions they please upon the laws of God. If by the Mofaical law, though it was rough and fevere, as being a yoke laid on an obstinate and fervile nation, men were only fined, and not put to death,

for theft, we cannot imagine that in this new law of mercy, in which God treats us with the tenderness of a father, he has given us a greater license to cruelty than he did to the Jews. Upon these reasons it is, that I think putting thieves to death is not lawful; and it is plain and obvious that it is absurd and of ill consequence to the commonwealth, that a thief and a murderer should be equally punished; for if a robber sees that his danger is the same, if he is convicted of thest, as if he were guilty of murder, this will naturally incite him to kill the person whom otherwise he would only have robbed, since, if the punishment is the same, there is more security, and less danger of discovery, when he that can best make it is put out of the way; so that terrifying thieves too much, provokes them to cruelty.

But as to the question, What more convenient way of punishment can be found? I think it is much eafier to find out that, than to invent any thing that is worfe. Why should we doubt but the way that was so long in use among the old Romans, who understood so well the arts of government, was very proper for their punishment? They condemned fuch as they found guilty of great crimes, to work their whole lives in quarries, or to dig in mines with chains about them. But the method that I liked best, was that which I observed in my travels in Persia, among the Polylerits, who are a considerable and well governed people. They pay a yearly tribute to the King of Persia; but in all other respects they are a free nation, and governed by their own laws. They lie far from the fea, and are environed with hills; and being

being contented with the productions of their own country, which is very fruitful, they have little commerce with any other nation; and as they, according to the genius of their country, have no inclination to enlarge their borders; fo their mountains, and the pension they pay to the Persian, secure them from all invasions. Thus they have no wars among them; they live rather conveniently than with fplendor, and may be rather called a happy nation, than either eminent or famous; for I do not think that they are known fo much as by name to any but their next neighbours. Those that are found guilty of thest among them, are bound to make restitution to the owner, and not, as it is in other places, to the prince, for they reckon that the prince has no more right to the stolen goods than the thief; but if that which was stolen is no more in being, then the goods of the thieves are estimated, and restitution being made out of them, the remainder is given to their wives and children, and they themselves are condemned to ferve in the public works, but are neither imprisoned nor chained, unless there happens to be some extraordinary circumstances in their crimes. They go about loofe and free, working for the public. If they are idle or backward to work, they are whipped; but if they work hard, they are well used, and treated without any mark of reproach, only the lifts of them are called always at night, and then they are shut up. They suffer no other uneafiness but this of constant labour; for as they work for the public, fo they are well entertained out of the public stock, which is done differently in different places. In some places, whatever is bestowed on

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them, is raised by a charitable contribution; and though this way may feem uncertain, yet fo merciful are the inelinations of that people, that they are plentifully supplied by it; but in other places, public revenues are fet afide for them; or there is a constant tax of a poll-money raised for their maintenance. In some places they are fet to no public work, but every private man that has occasion to hire workmen, goes to the market-places and hires them of the public, a little lower than he would do a freeman: if they go lazily about their task, he may quicken them with the whip. By this means there is always some piece of work or other to be done by them; and beside their livelihood, they earn somewhat still to the public. They all wear a peculiar habit, of one certain colour, and their hair is cropt a little above their ears, and a piece of one of their ears is cut off. Their friends are allowed to give them either meat, drink, or clothes, fo they are of their proper colour; but it is death, both to the giver and taker, if they give them money; nor is it less penal for any freeman to take money from them, upon any account whatfoever: and it is also death for any of these slaves (so they are called) to handle arms. Those of every division of the country, are distinguished by a peculiar mark; which it is capital for them to lay afide, to go out of their bounds, or to talk with a flave of another jurisdiction; and the very attempt of an escape, is no less penal than an escape itself; it is death for any other flave to be acceffary to it; and if a freeman engages in it he is condemned to flavery: those that discover it are rewarded; if freemen, in money; and if slaves, with liberty,

liberty, together with a pardon for being accessary to it; that so they might find their account, rather in repenting of their engaging in such a defign, than in perfifting in it.

These are their laws and rules in relation to robbery; and it is obvious that they are as advantageous as they are mild and gentle; fince vice is not only destroyed, and men preferved, but they treated in fuch a manner as to make them fee the necessity of being honest, and of employing the rest of their lives, in repairing the injuries they have formerly done to fociety. Nor is there any hazard of their falling back to their old customs: and fo little do travellers apprehend mischief from them, that they generally make use of them for guides, from one jurisdiction to another; for there is nothing left them by which they can rob, or be the better for it, fince as they are difarmed, fo the very having of money is a fufficient conviction: and as they are certainly punished if discovered, fo they cannot hope to escape; for their habit being in all the parts of it different from what is commonly worn, they cannot fly away, unless they would go naked, and even then their cropp'd ear would betray them, The only danger to be feared from them, is their conspiring against the government: but those of one division and neighbourhood can do nothing to any purpose, unless a general conspiracy were laid amongst all the slaves of the feveral jurisdictions, which cannot be done, fince they cannot meet or talk together; nor will any venture on a defign where the concealment would be fo dangerous, and the discovery so profitable. None are quite hopeless of recovering their freedom, fince by their obedience and patience,

patience, and by giving good grounds to believe that they will change their manner of life for the future, they may expect at last to obtain their liberty: and some are every year restored to it, upon the good character that is given of them. When I had related all this, I added, that I did not fee why fuch a method might not be followed with more advantage, than could ever be expected from that fevere justice which the counsellor magnified so much. To this he answered, That it could never take place in England, without endangering the whole nation. As he faid this, he shook his head, made some grimaces, and held his peace, while all the company feemed of his opinion, except the cardinal, who faid that it was not easy to form a judgment of its fuccefs, fince it was a method that never yet had been tried: but if, said he, when the fentence of death was passed upon a thief, the prince would reprieve him for a while, and make the experiment upon him, denying him the privilege of a fanctuary; and then if it had a good effect upon him, it might take place; and if it did not fuceeed, the worst would be, to execute the fentence on the condemned persons at last. And I do not fee, added he, why it would be either unjust, inconvenient, or at all dangerous, to admit of fuch a delay: in my opinion, the vagabonds ought to be treated in the fame manner; against whom, though we have made many laws, yet we have not been able to gain our end. When the cardinal had done, they all commended the motion, though they had despised it when it came from me; but more particularly commended what related to the vagabonds, because it was his own observation.

I do not know whether it be worth while to tell what followed, for it was very ridiculous; but I shall venture at it, for as it is not foreign to this matter, fo fome good use may be made of it. There was a jester standing by, that counterfeited the fool fo naturally, that he feemed to be really one. The jests which he offered were so cold and dull, that we laughed more at him than at them; vet fometimes he faid, as it were by chance, things that were not unpleasant; so as to justify the old proverb, " That he who throws the dice often, will fometimes " have a lucky hit." When one of the company had faid. that I had taken care of the thieves, and the cardinal had taken care of the vagabonds, fo that there remained nothing but that some public provision might be made for the poor, whom fickness or old age had disabled from labour: leave that to me, faid the fool, and I shall take care of them; for there is no fort of people whose fight I abhor more, having been fo often vexed with them, and with their fad complaints; but as dolefully foever as they have told their tale, they could never prevail fo far as to draw one penny from me: for either I had no mind to give them any thing, or when I had a mind to do it, I had nothing to give them: and they now know me fo well, that they will not lose their labour, but let me pass without giving me any trouble, because they hope for nothing, no more in faith than if I were a priest: but I would have a law made, for fending all these beggars to monasteries, the men to the Benedictines to be made laybrothers, and the women to be nuns. The cardinal smiled, and approved of it in jest; but the rest liked it

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in earnest: there was a divine present, who though he was a grave morose man, yet he was so pleased with this reflection that was made on the priests and the monks, that he began to play with the fool, and faid to him, This will not deliver you from all beggars, except you take care of us friars. That is done already, answered the fool, for the cardinal has provided for you, by what he proposed for restraining vagabonds, and setting them to work, for I know no vagabonds like you. This was well entertained by the whole company, who looking at the cardinal, perceived that he was not ill pleased at it; only the friar himself was vexed, as may be easily imagined, and fell into fuch a passion, that he could not forbear railing at the fool, and calling him knave, flanderer, backbiter, and fon of perdition, and then cited fome dreadful threatenings out of the scriptures against him. Now the jester thought he was in his element, and laid about him freely: good friar, faid he, be not angry, for it is written, " In patience possess your foul." The friar answered, (for I shall give you his own words) I am not angry, you hangman; at least I do not fin in it, for the pfalmist favs, "Be ye angry, and fin not." Upon this the cardinal admonished him gently, and wished him to govern his passions. No, my lord, faid he, I speak not but from a good zeal, which I ought to have; for holy men have had a good zeal, as it is faid, "The zeal " of thy house hath eaten me up;" and we fing in our church, that those who mocked Elisha as he went up to the house of God, felt the effects of his zeal; which that mocker, that rogue, that fcoundrel, will perhaps feel. You

You do this, perhaps, with a good intention, faid the cardinal; but, in my opinion, it were wifer in you, and perhaps better for you, not to engage in fo ridiculous a contest with a fool.-No, my lord, answered he, that were not wifely done; for Solomon, the wifest of men. faid, "Answer a fool according to his folly;" which I now do, and shew him the ditch into which he will fall, if he is not aware of it; for if the many mockers of Elitha, who was but one bald man, felt the effect of his zeal, what will become of one mocker of fo many friars, among whom there are fo many bald men? We have likewise a bull, by which all that jeer us are excommunicated. When the cardinal faw that there was no end of this matter, he made a fign to the fool to withdraw, turned the discourse another way; and soon after rose from the table, and, dismissing us, went to hear caufes.

Thus, Mr. More, I have run out into a tedious story, of the length of which I had been ashamed, if, as you earnestly begged it of me, I had not observed you to hearken to it as if you had no mind to lose any part of it. I might have contracted it, but I resolved to give it you at large, that you might observe how those that despised what I had proposed, no sooner perceived that the cardinal did not dislike it, but presently approved of it, sawned so on him, and slattered him to such a degree, that they in good earnest applauded those things that he only liked in jest. And from hence you may gather, how little courtiers would value either me or my counsels.

To this I answered, You have done me a great kind. ness in this relation; for as every thing has been related by you both wifely and pleafantly, so you have made me imagine, that I was in my own country, and grown young again, by recalling that good cardinal to my thoughts, in whose family I was bred from my childhood. And though you are upon other accounts very dear to me, yet you are the dearer, because you honour his memory so much. But, after all this, I cannot change my opinion; for I still think that if you could overcome that aversion which you have to the courts of princes, you might, by the advice which it is in your power to give, do a great deal of good to mankind; and this is the chief defign that every good man ought to propose to himself in liv. ing; for your friend Plato thinks that nations will be happy, when either philosophers become kings, or kings become philosophers; it is no wonder if we are so far from that happiness, while philosophers will not think it their duty to affift kings with their counfels .- They are not fo base-minded, said he, but that they would willingly do it. Many of them have already done it by their books, if those that are in power would but hearken to their good advice. But Plato judged right, that except kings themselves became philosophers, they who from their childhood are corrupted with false notions, would never fall in entirely with the counsels of philosophers; and this he himself found to be true in the person of Dionyfius.

Do not you think, that if I were about any king, proposing good laws to him, and endeavouring to root out all

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the curfed feeds of evil that I found in him, I should either be turned out of his court, or at least be laughed at for my pains? For instance, what could I signify if I were about the king of France, and were called into his cabinet-council, where feveral wife men, in his hearing, were proposing many expedients; as by what arts and practices Milan may be kept, and Naples, that has fo often flipped out of their hands, recovered; how the Venetians, and after them the rest of Italy, may be subdued; and then how Flanders, Brabant, and all Burgundy, and fome other kingdoms which he has fwallowed already in his defigns, may be added to his empire. One proposes a league with the Venetians, to be kept as long as he finds his account in it, and that he ought to communicate councils with them, and give them fome share of the spoil, till his success makes him need or fear them less, and then it will be easily taken out of their hands. Another proposes the hiring the Germans, and the fecuring the Switzers by penfions. Another propofes the gaining the emperor by money, which is omnipotent with him. Another proposes a peace with the king of Arragon; and, in order to cement it, the yielding up the king of Navarre's pretentions. Another thinks the prince of Castile is to be wrought on, by the hope of an alliance; and that fome of his courtiers are to be gained to the French faction by penfions. The hardest point of all is what to do with England. A treaty of peace is to be fet on foot; and if their alliance is not to be depended on, yet it is to be made as firm as possible; and they are to be called friends, but suspected as enemies: therefore

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the Scots are to be kept in readiness, to be let loose upon England on every occasion; and some banished nobleman is to be supported underhand (for by the league it cannot be done avowedly), who has a pretention to the crown, by which means that suspected prince may be kept in awe. Now, when things are in fo great a fermentation, and fo many gallant men are joining counfels, how to carry on the war, if so mean a man as I should stand up, and wish them to change all their counsels, to let Italy alone, and flay at home, fince the kingdom of France was indeed greater than could be well governed by one man; that therefore he ought not to think of adding others to it. And if, after this, I should propose to them the reso. lutions of the Achorians, a people that lie on the foutheast of Utopia, who long ago engaged in war, in order to add to the dominions of their prince another kingdom, to which he had some pretensions by an ancient alliance. This they conquered; but found that the trouble of keeping it, was equal to that by which it was gained; that the conquered people were always either in rebellion or exposed to foreign invasions, while they were obliged to be incessantly at war, either for or against them, and confequently could never difband their army; that in the mean time they were oppressed with taxes, their money went out of the kingdom, their blood was spilt for the glory of their king, without procuring the least advantage to the people, who received not the smallest benefit from it even in time of peace; and that their manners being corrupted by a long war, robbery and murders every where abounded, and their laws fell into contempt; while their king,

king, distracted with the care of two kingdoms, was the less able to apply his mind to the interest of either. When they faw this, and that there would be no end to these evils, they by joint councils made an humble address to their king, defiring him to choose which of the two kingdoms he had the greatest mind to keep, fince he could not hold both; for they were too great a people to be governed by a divided king, fince no man would willingly have a groom that should be in common between him and another. Upon which the good prince was forced to quit his new kingdom to one of his friends (who was not long after dethroned), and to be contented with his old one. To this I would add, that after all those warlike attempts, the vast confusions, and the consumption both of treasure and of people that must follow them, perhaps, upon some misfortune, they might be forced to throw up all at last; therefore it feemed much more eligible that the king should improve his ancient kingdom all he could, and make it flourish as much as possible; that he should love his people, and be beloved of them; that he should live among them, govern them gently, and let other kingdoms alone, fince that which had fallen to his share was big enough, if not too big, for him. Pray, how do you think would fuch a speech as this be heard?—I confess, faid I, I think not very well.

But what, faid he, if I should fort with another kind of ministers, whose chief contrivances and consultations were, by what art the prince's treasures might be encreased. Where one proposes raising the value of specie when the king's debts are large, and lowering it when his

revenues were to come in, that fo he might both pay much with a little, and in a little receive a great deal. Another proposes a pretence of a war, that money might be raised in order to carry it on, and that a peace be concluded as foon as that was done; and this with fuch appearances of religion as might work on the people, and make them impute it to the piety of their prince, and to his tenderness for the lives of his subjects. A third offers fome old musty laws, that have been antiquated by a long difuse; and which, as they had been forgotten by all the fubjects, fo they had been also broken by them; and proposes the levying the penalties of these laws, that as it would bring in a vast treasure, so there might be a very good pretence for it, fince it would look like the executing a law, and the doing of justice. A fourth proposes the prohibiting of many things under fevere penalties, especially fuch as were against the interest of the people, and then the difpenfing with these prohibitions, upon great compositions, to those who might find their advantage in breaking them. This would ferve two ends, both of them acceptable to many; for as those whose avarice led them to transgress, would be feverely fined, so the selling licences dear, would look as if a prince were tender of his people, and would not eafily, or at low rates, difpense with any thing that might be against the public good. Another proposes, that the judges must be made sure, that they may declare always in favour of the prerogative, that they must be often fent for to court, that the king may hear them argue those points in which he is concerned; fince how unjust soever any of his pretensions may

may be, yet still some one or other of them, either out of contradiction to others, or the pride of fingularity, or to make their court, would find out some pretence or other to give the king a fair colour to carry the point: for if the judges but differ in opinion, the clearest thing in the world is made by that means disputable, and truth being once brought in question, the king may then take advantage to expound the law for his own profit, while the judges that fland out will be brought over, either out of fear or modesty; and they being thus gained, all of them may be fent to the bench to give fentence boldly, as the king would have it; for fair pretences will never be wanting when fentence is to be given in the prince's favour: it will either be faid, that equity lies of his fide, or fome words in the law will be found founding that way, or fome forced fense will be put on them; and when all other things fail, the king's undoubted prerogative will be pretended, as that which is above all law, and to which a religious judge ought to have a special regard. Thus all confent to that maxim of Craffus, that a prince cannot have treasure enough, fince he must maintain his armies out of it; that a king, even though he would, can do nothing unjustly; that all property is in him, not excepting the very persons of his subjects; and that no man has any other property, but that which the king, out of his goodness, thinks fit to leave him: and they think it is the prince's interest, that there be as little of this left as may be, as if it were his advantage that his people should have neither riches nor liberty, fince these things make them less easy and less willing to submit to a cruel and unjust

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government; whereas necessity and poverty blunts them, makes them patient, beats them down, and breaks that height of spirit, that might otherwise dispose them to rebel.

Now, what if, after all these propositions were made, I should rife up and affert, that fuch counsels were both unbecoming a king, and mischievous to him; and that not only his honor but his fafety confifted more in his people's wealth, than in his own; if I should shew that they choose a king for their own fake, and not for his; that by his care and endeavors they may be both eafy and fafe; and that therefore a prince ought to take more care of his people's happiness than of his own, as a shepherd is to take more care of his flock than of himfelf. also certain, that they are much mistaken that think the poverty of a nation is a means of the public fafety. Who quarrel more than beggars? Who does more earnestly long for a change, than he that is uneafy in his prefent circumstances? And who run to create confusions with fo desperate a boldness as those who, having nothing to lose, hope to gain by them? If a king should fall under fuch contempt or envy, that he could not keep his fubjects in their duty but by oppression and ill usage, and by rendering them poor and miscrable, it were certainly better for him to quit his kingdom, than to retain it by fuch methods, as makes him, while he keeps the name of authority, lose the majesty due to it. Nor is it so hecoming the dignity of a king to reign over beggars, as over rich and happy subjects. And therefore Fabricius, a man of a noble and exalted temper, faid, he would rather

rather govern rich men, than be rich himself; since for one man to abound in wealth and pleafure, when all about him are mourning and groaning; is to be a gaoler and not a king: He is an unskilful physician, that cannot cure one difease without casting his patient into another: So he that can find no other way for correcting the errors of his people, but by taking from them the conveniencies of life, shews that he knows not what it is to govern a free nation. He himself ought rather to shake off his sloth, or to lay down his pride; for the contempt or hatred that his people have for him, takes its rife from the vices in himfelf. Let him live upon what belongs to him, without wronging others, and accommodate his expence to his revenue. Let him punish crimes, and by his wife conduct let him endeavour to prevent them, rather than be fevere when he has fuffered them to be too common: Let him not rashly revive laws that are abrogated by difuse, especially if they have been long forgotten, and never wanted. And let him never take any penalty for the breach of them, to which a judge would not give way in a private man, but would look on him as a crafty and unjust person for pretending to it. To these things I would add, that law among the Macarians, a people that lie not far from Utopia, by which their king, on the day on which he begins to reign, is tied by an oath confirmed by folemn facrifices, never to have at once above a thousand pounds of gold in his treafures, or so much filver as is equal to that invalue. This law, they tell us, was made by an excellent king, who had more regard to the riches of his country, than to his own wealth: and therefore provided against the heaping

up of so much treasure, as might impoverish the people: He thought that moderate sum might be sufficient for any accident; if either the king had occasion for it against rebels, or the kingdom against the invasion of an enemy; but that it was not enough to encourage a prince to invade other mens rights, a circumstance that was the chief cause of his making that law. He also thought, that it was a good provision for that free circulation of money, so necessary for the course of commerce and exchange: And when a king must distribute all those extraordinary accessions that increase treasure beyond the due pitch, it makes him less disposed to oppress his subjects. Such a king as this, will be the terror of ill men, and will be beloved by all the good.

If, I fay, I should talk of these or such like things, to men that had taken their bias another way, how deaf would they be to all I could fay? No doubt, very deaf, answered I; and no wonder, for one is never to offer at propositions or advice that we are certain will not be en-Discourses so much out of the road could not tertained. avail any thing, nor have any effect on men, whose minds were prepossessed with different sentiments. This philosophical way of speculation, is not unpleasant among friends in a free conversation; but there is no room for it in the courts of princes, where great affairs are carried on by au-That is what I was faying, replied he, that there thority. is no room for philosophy in the courts of princes. Yes, there is, faid I, but not for this speculative philosophy, that makes every thing to be alike fitting at all times: But there is another philosophy that is more pliable, that knows its proper scene, accommodates itself to it, and teaches a man with propriety and decency to act that part which has fallen to his share. If when one of Plautus's comedies is upon the stage, and a company of servants are acting their parts, you should come out in the garb of a philosopher, and repeat out of Octavia, a discourse of Seneca's to Nero, would it not be better for you to fay nothing, than by mixing things of fuch different natures, to make an impertinent tragi-comedy? For you fpoil and corrupt the play that is in hand, when you mix with it things of an opposite nature, even though they are much better. Therefore go through with the play that is acting the best you can; and do not confound it, because another that is pleafanter comes into your thoughts. It is even fo in a common-wealth, and in the councils of princes; if ill opinions cannot be quite rooted out, and you cannot cure some received vice according to your wishes, you must not therefore abandon the common-wealth, for the fame reasons as you should not forsake the ship in a storm, because you cannot command the winds. You are not obliged to affault people with discourses that are out of their road, when you see that their received notions must prevent your making an impression upon them. You ought rather to cast about, and to manage things with all the dexterity in your power, fo that if you are not able to make them go well, they may be as little ill as possible: For except all men were good, every thing cannot be right; and that is a bleffing that I do not at prefent hope to fee. According to your arguments, answered he, all that I could be able to do would be to preferve myfelf from

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being

being mad while I endeavoured to cure the madness of others: For if I speak truth, I must repeat what I have faid to you; and as for lying, whether a philosopher can do it or not, I cannot tell; I am fure I cannot do it. But though these discourses may be uneasy and ungrateful to them, I do not see why they should seem foolish or extravagant: Indeed if I should either propose such things as Plato has contrived in his common-wealth, or as the Utopians practife in theirs, though they might feem better, as certainly they are, yet they are so different from our establishment, which is founded on property, there being no fuch thing among them, that I could not expect that it would have any effect on them: But fuch discourses as mine, which only call past evils to mind, and give warning of what may follow, have nothing in them that is so abfurd, that they may not be used at any time; for they can only be unpleasant to those who are resolved to run headlong the contrary way: And if we must let alone every thing as abfurd or extravagant, which by reason of the wicked lives of many, may feem uncouth, we must, even among Christians, give over pressing the greatest part of those things that Christ hath taught us: Though he has commanded us not to conceal them, but to proclaim on the house tops that which he taught in secret. The greatest part of his precepts are more opposite to the lives of the men of this age, than any part of my discourse has been: But the preachers feem to have learned that craft to which you advise me; for they observing that the world would not willingly fuit their lives to the rules that Christ has given, have fitted his doctrine, as if it had been a leaden

leaden rule, to their lives; that fo some way or other they might agree with one another. But I fee no other effect of this compliance, except it be that men become more fecure in their wickedness by it. And this is all the fuccess that I can have in a court; for I must always differ from the rest, and then I shall fignify nothing; or if I agree with them I shall then only help forward their madnefs. I do not comprehend what you mean by your casting about, or by the bending and handling things fo dexteroufly, that if they go not well, they may go as little ill as may be: For in courts they will not bear with a man's holding his peace, or conniving at what others do: A man must bare-facedly approve of the worst counsels, and confent to the blackest designs: So that he could pass for a fpy, or possibly for a traitor, that did but coldly approve of fuch wicked practices: And therefore when a man is engaged in fuch a fociety, he will be fo far from being able to mend matters by his casting about, as you call it, that he will find no occasions of doing any good: The ill company will fooner corrupt him, than be the better for him: Or if notwithstanding all their ill company, he still remains steady and innocent, yet their follies and knavery will be imputed to him; and by mixing counsels with them, he must bear his share of all the blame that belongs wholly to others.

It was no ill fimilie, by which Plato fet forth the unreasonableness of a philosopher's meddling with government. If a man, says he, was to see a great company run out every day into the rain, and take delight in being wet; if he knew that it would be to no purpose for him

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to go and perfuade them to return to their houses, in order to avoid the storm, and that all that could be expected by his going to speak to them, would be that he himself should be as wet as they, it would be best for him to keep within doors; and since he had not insluence enough to correct other people's folly, to take care to preserve himself.

Though to fpeak plainly my real fentiments, I must freely own, that as long as there is any property, and while money is the flandard of all other things, I cannot think that a nation can be governed either justly or happily: Not justly, because the best things will fall to the share of the worst men: Nor happily, because all things will be divided among a few, (and even these are not in all respects happy) the rest being left to be absolutely miserable. Therefore when I reflect on the wife and good confiitution of the Utopians, among whom all things are fo well governed, and with fo few laws; where virtue hath its due reward, and yet there is fuch an equality, that every man lives in plenty. When I compare with them fo many other nations that are still making new laws, and yet can never bring their constitution to a right regulation, where notwithstanding every one has his property; yet all the laws that they can invent have not the power either to obtain or preserve it, or even to enable men certainly to distinguish what is their own from what is another's; of which the many law-fuits that every day break out, and are eternally depending, give too plain a demonstration: When, I fay, I balance all thefe things in my thoughts, I grow more favourable to Plato, and do not wonder that he refolved,

not to make any laws for fuch as would not submit to a community of all things: For fo wife a man, could not but foresee that the setting all upon a level, was the only way to make a nation happy; which cannot be obtained fo long as there is property: For when every man draws to himself all that he can compass, by one title or another, it must needs follow, that how plentiful soever a nation may be, yet a few dividing the wealth of it among themselves, the rest must fall into indigence. So that there will be two forts of people among them, who deferve that their fortunes should be interchanged; the former useless, but wicked and ravenous; and the latter, who by their constant industry serve the public more than themselves, fincere and modest men. From whence I am persuaded, that till property is taken away, there can be no equitable or just distribution of things, nor can the world be happily governed: for as long as that is maintained, the greatest and the far best part of mankind, will be still oppressed with a load of cares and anxieties. I confess without taking it quite away, those pressures that lie on a great part of mankind, may be made lighter; but they can never be quite removed. For if laws were made to determine at how great an extent in foil, and at how much money every man must stop, to limit the prince that he might not grow too great, and to restrain the people that they might not become too infolent, and that none might factiously aspire to public employments; which ought neither to be fold, nor made burthensome by a great expence; fince otherwise those that serve in them, would be tempted to reimburse themselves by cheats and violence, and it would become necessarv

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to make the discovery of that new world to the Europeans; you would then confess that you had never feen a people so well constituted as they. You will not easily persuade me, said Peter, that any nation in that new world is better governed than those among us. For as our understandings are not worse than theirs, so our Government, if I mistake not, being more ancient, a long practice has helped us to find out many conveniencies of life; and some happy chances have discovered other things to us, which no man's understanding could ever have invented. As for the antiquity, either of their government, or of ours, faid he, you cannot pass a true judgment of it, unless you had read their histories; for if they are to be believed, they had towns among them, before these parts were fo much as inhabited: and as for those difcoveries, that have been either hit on by chance, or made by ingenious men, these might have happened there as well as here. I do not deny but we are more ingenious than they are, but they exceed us much in industry and application. They knew little concerning us, before our arrival among them; they call us all by a general name of the nations that lie beyond the equinoctial line; for their chronicle mentions a shipwreck that was made on their coast 1200 years ago; and that some Romans and Egyptians that were in the ship, getting safe ashore, spent the rest of their days amongst them; and such was their ingenuity, that from this fingle opportunity, they drew the advantage of learning from those unlooked for guests, and acquired all the useful arts that were then among the Romans, and which were known to these shipwrecked men: and by the hints that they gave them, they themselves found

out even some of those arts which they could not fully ex. plain; fo happily did they improve that accident, of having fome of our people cast upon their shore. But if fuch an accident has at any time brought any from thence into Europe, we have been fo far from improving it, that we do not fo much as remember it; as in after times perhaps it will be forgot by our people that I was ever there, For though they from one fuch accident, made themselves masters of all the good inventions that were among us; yet I believe it would be long before we should learn or put in practice any of the good institutions that are among them: and this is the true cause of their being better go. verned, and living happier than we, though we come not short of them in point of understanding, or outward advantages. Upon this I faid to him, I earnestly beg you would describe that island very particularly to us. Be not too fhort, but fet out in order all things relating to their foil, their rivers, their towns, their people, their manners, constitution, laws, and in a word, all that you imagine we defire to know: and you may well imagine that we defire to know every thing concerning them, of which we are hitherto ignorant. I will do it very willingly, faid he, for I have digested the whole matter carefully; but it will take up some time. Let us go then, faid I, first and dine, and then we shall have leifure enough. He consented. We went in and dined, and after dinner came back, and fat down in the fame place. I ordered my fervants to take care that none might come and interrupt us: and both Peter and I defired Raphael to be as good as his word: when he faw that we were very intent upon it, he paused a little to recollect himself, and began in this manner. DIS-

DISCOURSES, &c.

THE SECOND BOOK.

THE island of Utopia is in the middle two hundred miles broad, and holds almost at the fame breadth over a great part of it; but it grows narrower towards both ends. Its figure is not unlike a crefcent: between its horns, the fea comes in eleven miles broad, and spreads itself into a great bay, which is environed with land to the compass of about five hundred miles, and is well fecured from winds: in this bay there is no great current, the whole coast is, as it were, one continued harbour, which gives all that live in the island great convenience for mutual commerce: but the entry into the bay, occasioned by rocks on the one hand, and shallows on the other, is very dangerous. In the middle of it there is one fingle rock which appears above water, and may therefore easily be avoided, and on the top of it there is a tower in which a garrifon is kept, the other rocks lie under water, and are very dangerous. The channel is known only to the natives, fo that if any stranger should enter into the bay, without one of their pilots, he would run great danger of shipwreck; for even they themselves could not pass it safe, if some marks that are on the coast did not direct their way; and if these should be but a little shifted, any fleet that might come against them, how great soever it were, would be certainly loft. On the other fide of the island, there are likewise many harbours; and the coast is

fo fortified, both by nature and art, that a small number of men can hinder the descent of a great army. But they report (and there remains good marks of it to make it cre. dible) that this was no island at first, but a part of the continent. Utopus, that conquered it (whose name it still carries, for Abraxa was its first name) brought the rude and uncivilized inhabitants into fuch a good government, and to that measure of politeness, that they now far excel all the rest of mankind; having soon subdued them, he defigned to separate them from the continent, and to bring the fea quite round them. To accomplish this, he ordered a deep channel to be dug fifteen miles long; and that the natives might not think he treated them like flaves, he not only forced the inhabitants, but also his own foldiers, to labour in carrying it on. As he fet a vast number of men to work, he beyond all mens expectations brought it to a speedy conclusion. And his neighbours who at first laughed at the folly of the undertaking, no fooner faw it brought to perfection, than they were flruck with admiration and terror.

There are fifty-four cities in the island, all large and well built: the manners, customs, and laws of which are the same, and they are all contrived as near in the same manner as the ground on which they stand will allow: the nearest lie at least twenty-four miles distance from one another, and the most remote are not so far distant, but that a man can go on foot in one day from it, to that which lies next it. Every city sends three of their wisest senators once a year to Amaurot, to consult about their common concerns; for that is the chief town of the island,

island, being situated near the center of it, so that it is the most convenient place for their assemblies. The jurisdiction of every city extends at least twenty miles: and where the towns lie wider, they have much more ground: no town defires to enlarge its bounds, for the people confider themselves rather as tenants than landlords. have built over all the country, farm houses for husbandmen, which are well contrived, and are furnished with all things necessary for country labour. Inhabitants are fent by turns from the cities to dwell in them; no country family has fewer than forty men and women in it, besides two slaves. There is a master and a mistress set over every family; and over thirty families there is a magistrate. Every year twenty of this family come back to the town, after they have stayed two years in the country: and in their room there are other twenty fent from the town, that they may learn country work, from those that have been already one year in the country, as they must teach those that come to them the next from the town. By this means fuch as dwell in those country farms, are never ignorant of agriculture, and so commit no errors, which might otherwife be fatal, and bring them under a fearcity of corn. But though there is every year such a shifting of the husbandmen, to prevent any man being forced against his will to follow that hard course of life too long; yetmany among them take fuch pleasure in it, that they defire leave to continue in it many years. These husbandmen till the ground, breed cattle, hew wood, and convey it to the towns, either by land or water, as is most convenient. They breed an infinite multitude of chickens in a

very curious manner: for the hens do not fit and hatch them; but vast numbers of eggs are laid in a gentle and equal heat, in order to be hatched; and they are no fooner out of the shell, and able to stir about, but they feem to confider those that feed them as their mothers, and follow them as other chickens do the hen that hatched them. They breed very few horses, but those they have are full of mettle, and are kept only for exercifing their youth in the art of fitting and riding them; for they do not put them to any work, either of plowing or carriage, in which they employ oxen; for though their horses are stronger, yet they find oxen can hold out longer; and as they are not subject to so many diseases, so they are kept upon a less charge, and with less trouble: and even when they are fo worn out, that they are no more fit for labour, they are good meat at last. They fow no corn, but that which is to be their bread; for they drink either wine, evder or perry, and often water, fometimes boiled with honey or liquorice, with which they abound; and though they know exactly how much corn will ferve every town, and all that tract of country which belongs to it, yet they fow much more, and breed more cattle than are necessary for their confumption: and they give that overplus of which they make no use to their neighbours. When they want any thing in the country which it does not produce, they fetch that from the town, without carrying any thing in exchange for it: and the magistrates of the town take care to fee it given them: for they meet generally in the town once a month, upon a festival day. When the time of harvest comes, the magistrates in the country send

to those in the towns, and let them know how many hands they will need for reaping the harvest; and the number they call for being sent to them, they commonly dispatch it all in one day.

OF THEIR TOWNS,

PARTICULARLY OF

AMAUROT.

HE that knows one of their towns, knows them all, they are so like one another, except where the situation makes some difference. I shall therefore describe one of them; and none is so proper as Amaurot: for as none is more eminent, all the rest yielding in precedence to this, because it is the seat of their supreme council; so there was none of them better known to me, I having lived five years altogether in it.

It lies upon the fide of a hill, or rather a rifing ground: its figure is almost square, for from the one fide of it, which shoots up almost to the top of the hill, it runs down in a descent for two miles to the river Anider; but it is a little broader the other way that runs along by the bank of that river. The Anider rises about eighty miles above Amaurot, in a small spring at first; but other brooks falling into it, of which two are more considerable than the rest, as it runs by Amaurot, it is grown half a mile broad, but it still grows larger and larger, till after sixty

miles course below it, it is lost in the ocean, between the town and the fea, and for fome miles above the town, it ebbs and flows every fix hours, with a strong current. The tide comes up for about thirty miles fo full, that there is nothing but falt water in the river, the fresh water being driven back with its force; and above that, for fome miles, the water is brackish, but a little higher, as it runs by the town, it is quite fresh; and when the tide ebbs, it continues fresh all along to the sea. There is a bridge cast over the river, not of timber, but of fair stone, confisting of many stately arches; it lies at that part of the town which is farthest from the sea, so that thips without any hindrance lie all along the fide of the town. There is likewife another river that runs by it, which though it is not great, yet it runs pleafantly, for it rifes out of the same hill on which the town stands, and fo runs down through it, and falls into the Anider. The inhabitants have fortified the fountain-head of this river, which fprings a little without the town; that fo if they should happen to be besieged, the enemy might not be able to stop or divert the course of the water, nor poison it; from thence it is carried in earthen pipes to the lower streets: and for those places of the town to which the water of that fmall river cannot be conveyed, they have great cisterns for receiving the rain-water, which supplies the want of the other. The town is compaffed with a high and thick wall, in which there are many towers and forts; there is also a broad and deep dry ditch, fet thick with thorns, cast round three sides of the town, and the river is instead of a ditch on the fourth side. The streets are

very convenient for all carriage, and are well ft eltered from the winds. Their buildings are good, and are fo uniform, that a whole fide of a street looks like one house. The streets are twenty feet broad; there lie gardens behind all their houses; these are large but enclosed with buildings, that on all hands face the streets; fo that every house has both a door to the street, and a back door to the garden: their doors have all two leaves, which as they are eafily opened, fo they shut of their own accord; and there being no property among them, every man may freely enter into any house whatsoever. At every ten years end they shift their houses by lots. They cultivate their gardens with great care, fo that they have both vines, fruits, herbs and flowers in them; and all is fo well ordered, and fo finely kept, that I never faw gardens any where that were both fo fruitful and fo beautiful as theirs. And this humour of ordering their gardens fo well, is not only kept up by the pleasure they find in it, but also by an emulation between the inhabitants of the feveral streets. who vie with each other; and there is indeed nothing belonging to the whole town, that is both more useful, and more pleafant. So that he who founded the town, feems to have taken care of nothing more than of their gardens; for they fay, the whole scheme of the town was defigned at first by Utopus, but he left all that belonged to the ornament and improvement of it, to be added by those that should come after him, that being too much for one man to bring to perfection. Their records, that contain the history of their town and state, are preserved with an exact care, and run backwards 1760 years.

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From

From these it appears, that their houses were at first low and mean, like cottages, made of any sort of timber, and were built with mud walls, and thatched with straw: but now their houses are three stories high, the fronts of them are faced either with stone, plaistering, or brick; and between the facings of their walls, they throw in their rubbish; their roofs are stat, and on them they lay a fort of plaister which costs very little, and yet is so tempered, that it is not apt to take fire, and yet resists the weather more than lead. They have great quantities of glass among them, with which they glaze their windows: they use also in their windows, a thin linen cloth, that is so oiled or gummed, that it both keeps out the wind, and gives free admission to the light.

OF THEIR

MAGISTRATES.

THIRTY families choose every year a magistrate, who was anciently called the Syphogrant, but is now called the Philarch: and over every ten Syphogrants with the families subject to them, there is another magistrate, who was anciently called the Tranibore, but of late the Archphilarch. All the Syphogrants, who are in number 200, choose the prince out of a list of four, who are named by the people of the four divisions of the city, but they take an oath before they proceed to an election, that they will choose him whom they think most fit for the office: they give their voices secretly, so that it is not known for whom every one gives his suffrage. The prince is for life, unless he is removed upon suspicion of some design to enslave the people.

people. The Tranibors are new chosen every year, but yet they are for the most part continued: all their other magistrates are only annual. The Tranibors meet every third day, and oftener if necessary, and confult with the prince, either concerning the affairs of the state in general, or such private differences as may arise sometimes among the people; though that falls out but feldom. There are always two Syphogrants called into the council-chamber, and these are changed every day. It is a fundamental rule of their government, that no conclusion can be made in any thing that relates to the public, till it has been first debated three feveral days in their council. It is death for any to meet and confult concerning the state, unless it be either in their ordinary council, or in the affembly of the whole body of the people.

Thefe things have been fo provided among them, that the Prince and the Tranibors may not conspire together to change the government, and enflave the people; and therefore when any thing of great importance is fet on foot, it is fent to the Syphogrants; who after they have communicated it to the families that belong to their divisions, and have confidered it among themselves, make report to the senate; and upon great occasions, the matter is referred to the council of the whole island. One rule observed in their council, is, never to debate a thing on the fame day in which it is first proposed; for that is always referred to the next meeting, that so men may not rashly, and in the heat of discourse, engage themselves too soon, which might bias them fo much, that instead of consulting the good of the public, they might rather study to support their first opinions;

opinions; and by a perverse and preposterous fort of shame, hazard their country, rather than endanger their own reputation, or venture the being suspected to have wanted foresight in the expedients that they at first proposed. And therefore to prevent this, they take care that they may rather be deliberate, than sudden in their motions.

OF THEIR TRADES,

AND

MANNER OF LIFE.

AGRICULTURE is that which is fo univerfally understood among them, that no person either man or woman, is ignorant of it; they are instructed in it from their childhood, partly by what they learn at school, and partly by practice; they being led out often into the fields, about the town, where they not only fee others at work, but are likewife exercifed in it themselves. Besides agriculture, which is fo common to them all, every man has fome peculiar trade to which he applies himfelf, such as the manufacture of wool or flax, masonry, smith's work, or carpenter's work; for there is no fort of trade that is in great effeem among them. Throughout the island they wear the same fort of clothes without any other distinction, except what is necessary to distinguish the two sexes, and the married and unmarried. The fashion never alters; and as it is neither disagreeable nor uneasy, so it is fuited to the climate, and calculated both for their fummers and winters. Every family makes their own clothes; but all among them, women

women as well as men, learn one or other of the trades formerly mentioned. Women, for the most part, deal in wool and flax, which fuit best with their weakness, leaving the ruder trades to the men. The same trade generally passes down from father to fon, inclinations often following defeent: but if any man's genius lies another way, he is by adoption translated into a family that deals in the trade to which he is inclined: and when that is to be done, care is taken not only by his father, but by the magistrate, that he may be put to a diferent and good man. after a person has learned one trade, he desires to acquire another, that is also allowed, and is managed in the same When he has learned both, he manner as the former. follows that which he likes best, unless the public has more occasion for the other.

The chief, and almost the only business of the Syphogrants, is to take care that no man may live idle, but that every man may follow his trade diligently: yet they do not wear themselves out with perpetual toil, from morning to night, as if they were beasts of burden, which as it is indeed a heavy flavery, so it is every where the common course of life amongst all mechanics except the Utopians: but they dividing the day and night into twenty-four hours, appoint six of these for work; three of which are before dinner, and three after: they then sup, and at eight o'clock, counting from noon, go to bed and sleep eight hours. The rest of their time, besides that taken up in work, eating and sleeping is left to every man's discretion; yet they are not to abuse that interval to luxury and idleness, but must employ it in some proper exercise accord-

ing to their various inclinations, which is for the most part reading. It is ordinary to have public lectures every morning before day-break; at which none are obliged to appear, but those who are marked out for literature; yet a great many, both men and women of all ranks, go to hear lectures of one fort or other, according to their inclinations. But if others, that are not made for contemplation, choose rather to employ themselves at that time in their trades, as many of them do, they are not hindered, but are rather commended, as men that take care to ferve their country. After supper, they spend an hour in fome diversion, in fummer in their gardens, and in winter in the halls where they cat; where they entertain each other, either with music or discourse. They do not fo much as know dice, or any fuch foolish and mischievous games: they have, however, two forts of games not unlike our chess; the one is between several numbers, in which one number, as it were confumes another: the other refembles a battle between the virtues and the vices, in which the enmity in the vices among themselves, and their agreement against virtue is not unpleasantly reprefented; together with the special oppositions between the particular virtues and vices; as also the methods by which vice either openly affaults, or fecretly undermines virtue; and virtue on the other hand refifts it. But the time appointed for labour, is to be narrowly examined, otherwife you may imagine, that fince there are only fix hours appointed for work, they may fall under a feareity of necessary provisions. But it is so far from being true, that this time is not fufficient for fupplying them with

with plenty of all things, either necessary or convenient, that it is rather too much; and this you will eafily apprehend, if you confider how great a part of all other nations is quite idle. First, women generally do little, who are the half of mankind; and if fome few women are diligent, their hufbands are idle; then confider the great company of idle priests, and of those that are called religious men; add to these all rich men, chiefly those that have estates in land, who are called noblemen and gentlemen, together with their families, made up of idle persons, that are kept more for show than use. Add to these, all those strong and lusty beggars. that go about pretending some disease, in excuse for their begging; and upon the whole account you will find, that the number of those by whose labours mankind is supplied, is much less than you perhaps imagined: then consider how few of those that work, are employed in labours that are of real fervice: for we who measure all things by money, give rife to many trades that are both vain and superfluous, and serve only to support riot and luxury. For if those who work, were employed only in fuch things as the conveniencies of life require, there would be fuch an abundance of them, that the prices of them would fo fink, that tradefmen could not be maintained by their gains; if all those who labour about useless things, were set to more profitable employments; and if all they that languish out their lives in sloth and idleness, every one of whom confumes as much as any two of the men that are at work, were forced to labour, you may eafily imagine that a fmall proportion

of time would ferve for doing all that is either neceffary, profitable, or pleafant to mankind, especially while pleasure is kept within its due bounds: this appears very plainly in Utopia, for there, in a great city, and in all the territory that lies round it, you can fcarce find five hundred, either men or women, by their age and strength capable of labour, that are notengaged in it; even the Syphogrants, though excufed by the law, yet do not excuse themselves, but work, that by their examples they may excite the industry of the rest of the people; the like exemption is allowed to those, who being recommended to the people by the priefts, are by the fecret fuffrages of the Syphogrants. privileged from labour, that they may apply themselves wholly to study; and if any of these fall short of those hopes that they feemed at first to give, they are obliged to return to work. And fometimes a mechanic, that fo employs his leifure hours, as to make a confiderable advancement in learning, is cased from being a tradefman, and ranked among their learned men. Out of these they choose their ambasiadors, their priess, their I ranibors, and the prince himself; anciently called their Barzenes, but he is called of late their Ademus.

And thus from the great numbers among them, that are neither suffered to be idle, nor to be employed in any fruit-less labour, you may easily make the estimate, how much may be done in those few hours in which they are obliged to labour. But besides all that has been already said, it is to be considered, that the needful arts among them, are

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managed with less labour than any where else. The building, or the repairing of houses among us, employ many hands, because often a thriftless heir suffers a house that his father built, to fall into decay, fo that his fucceffor must, at a great cost, repair that which he might have kept up with a small charge. It frequently happens, that the fame house which one person built at a vast expence, is neglected by another, who thinks he has a more delicate fense of the beauties of architecture; and he suffering it to fall to ruin, builds another at no less charge. But among the Utopians, all things are fo regulated, that men very feldom build upon a new piece of ground; and are not only very quick in repairing their houses, but show their forefight in preventing their decay: fo that their buildings are preferved very long, with but little labour; and thus the builders to whom that care belongs, are often without employment, except the hewing of timber, and the fquaring of stones, that the materials may be in readiness for raising a building very suddenly, when there is any occasion for it. As to their clothes, observe how little work is fpent in them. While they are at labour, they are cloathed with leather and skins, cast carelesty about them, which will last feven years; and when they appear in public, they put on an upper garment, which hides the other; and these are all of one colour, and that is the natural colour of the wool. As they need lefs woollen cloth than is used any where else, so that which they make use of is much less costly. They use linen cloth more; but that is prepared with lefs labour, and they value cloth only by the whiteness of the linen, or the cleanness of the wool, without much regard to the fineness

finencis of the thread: while in other places, four crive upper garments of woollen cloth, of different colours, and as many vetts of filk will fcarce ferve one man; and while those that are nicer think ten too few; every man there is content with one, which very often ferves him two years. Nor is there any thing that can tempt a man to defire more; for if he had them, he would neither be the warmer, nor would he make one jot the better ap. pearance for it. And thus, fince they are all employed in some useful labour; and since they content themselves with fewer things, it falls out that there is a great abundance of all things among them; fo that it frequently happens, that for want of other work, vast numbers are fent out to mend the highways. But when no public undertaking is to be performed, the hours of working are The magistrates never engage the people in unnecessary labour, fince the chief end of the constitution is to regulate labour by the necessities of the public, and to allow all the people as much time as is necessary for the improvement of their minds, in which they think the happiness of life consists.

OF THEIR

TRAFFIC.

BUT it is now time to explain to you the mutual intercourse of this people, their commerce, and the rules by which all things are distributed among them.

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As their cities are composed of families, so their families are made up of those that are nearly related to one another. Their women, when they grow up, are married out; but all the males, both children and grandchildren, live still in the fame house, in great obedience to their common parent, unless age has weakened his understanding; and in that case he that is next to him in age, comes in his room. But left any city should become either too great, or by any accident be dispeopled, provision is made that none of their cities may contain above fix thousand families, besides those of the country round it. No family may have less than ten, nor more than fixteen persons in it; but there can be no determined number for the children under age. This rule is eafily observed, by removing some of the children of a more fruitful couple, to any other family that does not abound fo much in them. By the fame rule, they supply cities that do not increase so fast, from others that breed faster. And if there is any increase over the whole island, then they draw out a number of their citizens out of the feveral towns, and fend them over to the neighbouring continent; where, if they find that the inhabitants have more foil than they can well cultivate, they fix a colony, taking the inhabitants into their fociety, if they are willing to live with them; and where they do that of their own accord, they quickly enter into their method of life, and conform to their rules, and this proves a happiness to both nations; for according to their constitution, such care is taken of the foil, that it becomes fruitful enough for both, though it might be otherwife too narrow and barren for any one of them. But if the natives refuse to conform themselves to their laws,

they drive them out of those bounds which they mark out for themselves, and use force if they refist. For they ac. count it a very just cause of war, for a nation to hinder. others from possessing a part of that foil, of which they make no use, but which is suffered to lie idle and unculti. vated; fince every man has by the law of nature a right to fuch a waste portion of the earth, as is necessary for his fubfistence. If an accident has so lessened the num. ber of the inhabitants of any of their towns, that it cannot be made up from the other towns of the island, without diminishing them too much, which is said to have fallen out but twice, fince they were first a people, when great numbers were carried off by the plague; the lois is then fupplied by recalling as many as are wanted from their colonies; for they will abandon thefe, rather than fuffer the towns in the island to fink too low.

But to return to their manner of living in society: the oldest man of every family, as has been already said, is its governor. Wives serve their husbands, and children their parents, and always the younger serves the elder. Every city is divided into four equal parts, and in the middle of each there is a market-place: what is brought thither, and manufactured by the several families, is carried from thence to houses appointed for that purpose, in which all things of a fort are laid by themselves; and thither every father goes and takes whatsoever he or his family stand in need of, without either paying for it, or leaving any thing in exchange There is no reason tor giving a denial to any person, since there is such plenty of every thing among them: and there is no dan-

ger of a man's asking for more than he needs; they have no inducements to do this, fince they are fure that they shall always be supplied: it is the fear of want that makes any of the whole race of animals, either greedy or ravenous; but befides fear, there is in man a pride that makes him fancy it a particular glory to excel others in pomp and excess. But by the laws of the no room for this. Near these mar-Utopians, re; kets there are others for all forts of provisions, where there are not only herbs, fruits, and bread, but also fish, fowl, and cattle. There are also without their towns, places appointed near fome running water, for killing their beafts, and for washing away their filth; which is done by their flaves: for they fuffer none of their citizens to kill their cattle, because they think, that pity and good nature, which are among the best of those affections that are born with us, are much impaired by the butchering of animals: nor do they fuffer any thing that is foul or unclean to be brought within their towns, lest the air should be infected by ill smells which might prejudice their health. In every fireet there are great halls that lie at an equal distance from each other, distinguished by particular names. The Syphogrants dwell in those, that are fet over thirty families, fifteen lying on one fide of it, and as many on the other. In these halls they all meet and have their repasts. The stewards of every one of them come to the market-place at an appointed hour; and according to the number of those that belong to the hall, they carry home provisions. But they take more care of their fick, than of any others: these are lodged

lodged and provided for in public hospitals: they have belonging to every town four hospitals, that are built without their walls, and are fo large, that they may pass for little towns: by this means, if they had ever fuch a number of fick persons, they could lodge them conveniently, and at fuch a distance, that fuch of them as are fick of infectious difeases, may be kept so far from the rest, that there can be no danger of contagion. The hospitals are furnished and stored with all things that are convenient for the eafe and recovery of the fick : and those that are put in them, are looked after with fuch tender and watchful care, and are fo constantly attended by their skilful physicians; that as none are sent to them against their will, so there is scarce one in a whole town, that if he should fall ill, would not choose rather to go thither, than lie fick at home.

After the steward of the hospitals has taken for the sick whatsoever the physician prescribes, then the best things that are left in the market are distributed equally among the halls, in proportion to their numbers, only, in the first place, they serve the prince, the chief priest, the Tranibors, the ambassadors, and strangers, if there are any, which indeed falls out but seldom, and for whom there are houses well surnished, particularly appointed for their reception when they come among them. At the hours of dinner and supper, the whole syphogranty being called together by sound of trumpet, they meet and eat together, except only such as are in the hospitals, or lie sick at home. Yet after the halls are ferved, no man is hindered to carry provisions home

from the market-place; for they know that none does that but for fome good reason; for though any that will may eat at home, yet none does it willingly, fince it is both ridiculous and foolish for any to give themselves the trouble to make ready an ill dinner at home, when there is a much more plentiful one made ready for him fo near hand. All the uneafy and fordid fervices about these halls, are performed by their flaves; but the dreffing and cooking their meat, and the ordering their tables, belong only to the women, all those of every family taking it by turns. They fit at three or more tables, according to their number; the men fit towards the wall, and the women fit on the other fide, that if any of them should be taken suddenly ill, which is no uncommon case amongst women with child, the may, without disturbing the rest, rise and go to the nurse's room, who are there with the sucking children; where there is always clean water at hand, and cradles in which they may lay the young children, if there is occasion for it, and a fire that they may shift and dress them before it. Every child is nurfed by its own mother, if death or fickness does not intervene; and in that case the Syphogrants wives find out a nurse quickly, which is no hard matter; for any one that can do it, offers herfelf cheerfully: for as they are much inclined to that piece of mercy, fo the child whom they nurse, considers the nurse as its mother. All the children under five years old, fit among the nurses, the rest of the younger fort of both fexes, till they are fit for marriage, either ferve those that fit at table; or if they are not strong enough for that, stand by them in great filence, and eat what is given them;

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nor have they any other formality of dining. In the middle of the first table, which stands across the upper end of the hall, fit the Syphogrant and his wife; for that is the chief and most conspicuous place. Next to him sit two of the most ancient, for there go always four to a mess. If there is a temple within that Syphogranty, the priest and his wife fit with the Syphogrant above all the reft. Next them there is a mixture of old and young, who are fo placed, that as the young are fet near others, fo they are mixed with the more ancient; which they fay was appointed on this account, that the gravity of the old people. and the reverence that is due to them, might restrain the younger from all indecent words and gestures. Dishes are not served up to the whole table at first, but the best are first set before the old, whose seats are distinguished from the young, and after them all the rest are served alike. The old men distribute to the younger any curious meats that happen to be fet before them, if there is not such an abundance of them that the whole company may be ferved alike.

Thus old men are honored with a particular respect; yet all the rest fare as well as they. Both dinner and supper are begun with some lecture of morality that is read to them; but it is so short, that it is not tedious nor uneasy to them to hear it. From hence the old men take occasion to entertain those about them, with some useful and pleasant enlargements; but they do not engross the whole discourse so to themselves, during their meals, that the younger may not put in for a share; on the contrary, they engage them to talk, that so they may in that free way

way of conversation, find out the force of every one's spirit, and observe his temper. They dispatch their dinners quickly, but fit long at fupper; because they go to work after the one, and are to fleep after the other, during which they think the stomach carries on the concoction more vigoroufly. They never fup without music; and there is always fruit ferved up after meat; while they are at table, fome burn perfumes, and sprinkle about fragrant ointments, and fweet waters; in short they want nothing that may cheer up their spirits. They give themselves a large allowance that way, and indulge themselves in all such pleasures as are attended with no inconvenience. Thus do those that are in the towns live together; but in the country, where they live at great distance, every one eats at home, and no family wants any necessary fort of provision, for it is from them that provisions are fent unto those that live in the towns.

OF THE TRAVELLING

OF THE

UTOPIANS.

I F any man has a mind to visit his friends that live in some other town, or desires to travel and see the rest of the country, he obtains leave very easily from the Syphogrant and Tranibors, when there is no particular occasion for him at home. Such as travel, carry with them a pass-

port from the prince, which both certifies the licence that is granted for travelling, and limits the time of their re-They are furnished with a waggon and a flave, who drives the oxen, and looks after them; but unless there are women in the company, the waggon is fent back at the end of the journey as a needless incumbrance. While they are on the road, they carry no provisions with them; yet they want nothing, but are every where treated as if they were at home. If they stay in any place longer than a night, every one follows his proper occupation, and is very well used by those of his own trade. But if any man goes out of the city to which he belongs, without leave, and is found rambling without a paffport, he is feverely treated, he is punished as a fugitive, and sent home difgracefully; and if he falls again into the like fault, is condemned to flavery. If any man has a mind to travel only over the precinct of his own city, he may freely do it with his father's permission, and his wife's consent; but when he comes into any of the country houses, if he expects to be entertained by them, he must labour with them and conform to their rules: and if he does this, he may freely go over the whole precinct; being thus as ufeful to the city to which he belongs, as if he were still within it. Thus you fee that there are no idle perfons among them, nor pretences of excusing any from labour. There are no taverns, no ale houses nor stews among them; nor any other occasions of corrupting each other, of getting into corners, or forming themselves into parties. men live in full view, fo that all are obliged, both to perform their ordinary task, and to employ themselves well in

in their spare hours. And it is certain, that a people thus ordered, must live in great abundance of all things; and these being equally distributed among them, no man can want, or be obliged to beg.

In their great council at Amaurot, to which there are three fent from every town once a year, they examine what towns abound in provisions, and what are under any fearcity, that so the one may be furnished from the other; and this is done freely, without any fort of exchange; for according to their plenty or fearcity, they fupply, or are supplied from one another; so that indeed the whole island is, as it were, one family. When they have thus taken care of their whole country, and laid up stores for two years, which they do to prevent the ill consequences of an unfavourable scason, they order an exportation of the overplus, both of corn, honey, wool, flax, wood, wax, tallow, leather and cattle; which they fend out commonly in great quantities to other nations. They order a feventh part of all these goods to be freely given to the poor of the countries to which they fend them, and fell the rest at moderate rates. And by this exchange, they not only bring back those few things that they need at home (for indeed they scarce need any thing but iron) but likewise a great deal of gold and filver; and by their driving this trade fo long, it is not to be imagined how vast a treasure they have got among them; fo that now they do not much care whether they fell off their merchandize for money in hand, or upon truit. A great part of their treasure is now in bonds; but in all their contracts no private man stands bound, but the writing runs in the name of the town; and the towns that owe them money, raise it from those private hands

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that owe it to them, lay it up in their public chamber, or enjoy the profit of it till the Utopians call for it; and they choose rather to let the greatest part of it lie in their hands, who make advantage by it, than to call for it themselves: But if they see that any of their other neighbours stand more in need of it, then they call it in and lend it to them: whenever they are engaged in war, which is the only occasion in which their treasury can be usefully employed, they make use of it themselves. In great extremities or fudden accidents they employ it in hiring foreign troops, whom they more willingly expose to danger than their own people: they give them great pay, knowing well that this will work even on their enemies, that it will engage them either to betray their own fide, or at least to defert it, and that it is the best means of raising mutual jealousies among them: for this end they have an incredible treasure; but they do not keep it as a treasure, but in such a manner as I am almost afraid to tell, lest you think it so extravagant, as to be hardly credible. This I have the more reason to apprehend, because if I had not seen it myself, I could not have been eafily perfuaded to have believed it upon any man's report.

It is certain that all things appear incredible to us, in proportion as they differ from our own customs. But one who can judge aright, will not wonder to find, that fince their constitution differs so much from ours, their value of gold and filver should be measured by a very different standard; for since they have no use for money among themselves, but keep it as a provision against events

events which feldom happen, and between which there are generally long intervening intervals; they value it no farther than it deferves, that is, in proportion to its use. So that it is plain, they must prefer iron either to gold or silver: for men can no more live without iron, than without fire or water; but nature has marked out no use for the other metals, so essential as not easily to be dispensed with. The folly of men has enhanced the value of gold and silver, because of their scarcity. Whereas on the contrary, it is their opinion, that nature, as an indulgent parent, has freely given us all the best things in great abundance, such as water and earth, but has laid up and hid from us the things that are vain and useless.

If these metals were laid up in any tower in the kingdom, it would raise a jealousy of the prince and fenate, and give birth to that foolish mistrust into which the people are apt to fall, a jealoufy of their intending to facrifice the interest of the public to their own private advantage. If they should work it into vessels, or any fort of plate, they fear that the people might grow too fond of it, and fo be unwilling to let the plate be run down, if a war made it necessary to employ it in paying their foldiers. To prevent all these inconveniencies, they have fallen upon an expedient, which as it agrees with their other policy, fo is it very different from ours, and will scarce gain belief among us, who value gold fo much, and lay it up fo carefully. They eat and drink out of veffels of earth, or glass, which make an agreeable appearance, though formed of brittle

materials: while they make their chamber-pots and close-stools of gold and filver; and that not only in their public halls, but in their private houses: of the fame metals they likewife make chains and fetters for their flaves; to fome of which, as a badge of infamy, they hang an ear-ring of gold, and make others wear a chain or a coronet of the fame metal; and thus they take care by all possible means, to render gold and filver of no esteem: and from hence it is, that while other nations part with their gold and filver, as unwillingly as if one tore out their bowels, those of Utopia would look on their giving in all they poffess of those metals, (when there were any use for them) but as the parting with a trifle, or as we would effeem the loss of a penny. They find pearls on their coast; and diamonds, and carbuncles on their rocks: they do not look after them; but if they find them by chance, they polish them, and with them they adorn their children, who are delighted with them, and glory in them during their childhood; but when they grow to years, and fee that none but children use such baubles, they of their own accord, without being bid by their parents, lay them afide; and would be as much ashamed to use them afterwards, as children among us, when they come to years, are of their puppets, and other toys.

I never faw a clearer instance of the opposite impressions that different customs make on people, than I observed in the ambassadors of the Anemolians, who came to Amaurot when I was there: as they came to treat of affairs of great consequence, the deputies from feveral towns met together to wait for their coming. The ambaffadors of the nations that lie near Utopia, knowing their customs, and that fine clothes are in no esteem among them, that filk is despised, and gold is a badge of infamy, used to come very modestly clothed; but the Anemolians lying more remote, and having had little commerce with them, understanding that they were coarfely clothed, and all in the same manner, took it for granted that they had none of those fine things among them of which they made no use; and they being a vain-glorious, rather than a wife people, refolved to fet themselves out with so much pomp, that they should look like gods, and strike the eyes of the poor Utopians with their splendour. Thus three ambassadors made their entry with an hundred attendants, all clad in garments of different colours, and the greater part in filk; the ambassadors themselves, who were of the nobility of their country, were in cloth of gold, and adorned with maffy chains, ear-rings and rings of gold: their caps were covered with bracelets fet full of pearls and other gems: in a word, they were fet out with all those things, that, among the Utopians, were either the badges of flavery, the marks of infamy, or the play-things of children. It was not unpleafant to fee, on the one fide, how they looked big, when they compared their rich habits with the plain clothes of the Utopians, who were come out in great numbers to fee them make their entry: and on the other, to observe how much they were mistaken in the impression,

impression, which they hoped this pomp would have made on them. It appeared fo ridiculous a shew to all that had never stirred out of their country, and had not feen the customs of other nations; that though they paid some reverence to those that were the most meanly clad, as if they had been the ambassadors, yet when they faw the ambassadors themselves, so: full of gold and chains, they looked upon them as flaves, and forbore to treat them with reverence. You might have feen the children, who were grown big enough to despise their play-things, and who had thrown away their jewels, call to their mothers, push them gently, and cry out, " See that great fool that wears pearls " and gems, as if he were yet a child." While their mothers very innocently replied, " Hold your peace, " this I believe is one of the ambaffador's fools." Others cenfured the fashion of their chains, and observed that they were of no use; for they were too slight to bind their flaves, who could eafily break them; and befides hung fo loofe about them, that they thought it eafy to throw them away, and fo get from them. But after the ambassadors had staid a day among them, and faw so vast a quantity of gold in their houses, which was as much despised by them, as it was esteemed in other nations, and beheld more gold and filver in the chains and fetters of one flave, than all their ornaments amounted to, their plumes fell, and they were ashamed of all that glory for which they had formerly valued themselves, and accordingly laid it aside: a resolution that they immediately took, when on their engaging in fome

some free discourse with the Utopians, they discovered their fense of such things, and their other customs. The Utopians wonder how any man should be so much taken with the glaring doubtful lustre of a jewel or a stone, that can look up to a star, or to the sun himself; or how any should value himself, because his cloth is made of a finer thread: for how fine foever that thread may be, it was once no better than the fleece of a sheep, and that sheep was a sheep still for all its wearing it. They wonder much to hear, that gold which in itself is fo useless a thing, should be every where so much esteemed, that even men for whom it was made, and by whom it has its value, should yet be thought of less value than this metal: that a man of lead, who has no more fense than a log of wood, and is as bad as he is foolish. should have many wife and good men to serve him, only because he has a great heap of that metal; and that if it should happen, that by some accident, or trick of law, (which fometimes produces as great changes as chance itself) all this wealth should pass from the master to the meanest variet of his whole family, he himself would very foon become one of his fervants, as if he were a thing that belonged to his wealth, and fo were bound to follow its fortune. But they much more admire and detest the folly of those who when they see a rich man, though they neither owe him any thing, nor are in any fort dependant on his bounty, yet merely because he is rich, give him little less than divine honours; even though they know him to be fo covetous and base minded, that notwithstanding all his wealth,

he will not part with one farthing of it to them, as long as he lives.

These and such like notions has that people imbibed, partly from their education, being bred in a country, whose customs and laws are opposite to all such foolish maxims: and partly from their learning and studies: for though there are but few in any town that are fo wholly excused from labour, as to give themselves entirely up to their studies, these being only such persons as discover from their childhood an extraordinary capacity and disposition for letters; yet their children, and a great part of the nation, both men and women, are taught to fpend those hours in which they are not obliged to work, in reading: and this they do through the whole progress of life. They have all their learning in their own tongue; which is both a copious and pleafant language, and in which a man can fully express his mind: It runs over a great tract of many countries, but it is not equally pure in all places: they had never fo much as heard of the names of any of those philosophers that are so famous in these parts of the world, before we went among them: and yet they had made the fame discoveries as the Greeks, both in music, logic, arithmetic, and geometry. But as they are almost in every thing equal to the ancient philosophers, fo they far exceed our modern logicians; for they have never yet fallen upon the barbarous niceties that our youth are forced to learn in those trifling logical schools that are among us: they are so far from minding chimeras, and fantastical images made in the mind, that none of them could compre-

comprehend what we meant, when we talked to them of a man in the abstract, as common to all men in particular, (fo that though we fpoke of him as a thing that we could point at with our fingers, vet none of them could perceive him) and yet diffinet from every one, as if he were fome monstrous colossus, or giant. Yet for all this ignorance of these empty notions, they knew astronomy, and were perfectly acquainted with the motions of the heavenly bodies; and have many instruments, well contrived and divided, by which they very accurately compute the course and positions of the fun, moon and stars. But for the cheat, of divining by the stars, by their oppofitions or conjunctions, it has not fo much as entered into their thoughts. They have a particular fagacity, founded upon much observation, in judging of the weather, by which they know when they may look for rain, wind, or other alterations in the air: but as to the philosophy of these things; the causes of the saltness of the sea, of its ebbing and flowing, and of the original and nature both of the heavens and the earth; they dispute of them, partly as our ancient philosophers have done, and partly upon some new hypothesis, in which, as they differ from them, fo they do not in all things agree among themfelves

As to moral philosophy, they have the same disputes among them as we have here. They examine what are properly good, both for the body and the mind; and whether any outward thing can be called truly good, or if that term belong only to the endowments of the soul. They enquire likewise into the nature of virtue and pleasure; but their

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chief dispute is, concerning the happiness of a man, and wherein it consists;—whether in some one thing, or in a great many. They seem indeed more inclinable to that opinion that places, if not the whole, yet the chief part of a man's happiness in pleasure; and, what may seem more strange, they make use of arguments even from religion, notwithstanding its severity and roughness, for the support of that opinion, so induspent to pleasure: for they never dispute concerning happiness without setching some arguments from the principles of religion, as well as from natural reason; since without the former they reckon that all our enquiries after happiness must be but conjectural and desective.

These are their religious principles; that the foul of man is immortal, and that God of his goodness has defigned that it should be happy; and that he has therefore appointed rewards for good and virtuous actions, and punishments for vice, to be distributed after this life. Though these principles of religion are conveyed down among them by tradition, they think, that even reason itfelf determines a man to believe and acknowledge them: and freely confess, that if these were taken away, no man would be fo infenfible, as not to feek after pleafure by all possible means, lawful or unlawful; using only this caution, that a leffer pleafure might not fland in the way of a greater, and that no pleafure ought to be purfued, that should draw a great deal of pain after it: for they think it the maddest thing in the world to purfue virtue, that is a four and difficult thing; and not only to renounce the pleafures of life, but willingly to undergo much pain and trouble, what reward can there be, for one that has passed his whole life, not only without pleasure, but in pain, if there is nothing to be expected after death? Yet they do not place happiness in all forts of pleasures, but only in those that in themselves are good and honest.

There is a party among them who place happiness in bare virtue; others, think that our natures are conducted by virtue to happiness, as that which is the chief good of man. They define virtue thus, that it is a living according to nature; and think that we are made by God for that end; they believe that a man then follows the dictates of nature, when he purfues or avoids things according to the direction of reason: they say, that the first dictate of reason is, the kindling in us a love and reverence for the Divine Majesty, to whom we owe both all that we have, and all that we can ever hope for. In the next place, reason directs us to keep our minds as free from passion, and as cheerful, as we can; and that we should confider ourselves as bound by the ties of good-nature and humanity, to use our utmost endeavors to help forward the happiness of all other persons; for there never was any man fuch a morofe and fevere purfuer of virtue, fuch an enemy to pleafure, that, though he fet hard rules for men to undergo, much pain, many watchings, and other rigors, yet did not at the same time advise them to do all they could in order to relieve and eafe the miferable, and who did not represent gentleness and good nature as amiable dispositions. And from thence they infer, that if a man ought to advance the welfare and comfort of the rest

of mankind, there being no virtue more proper and pecul liar to our nature, than to ease the miseries of others, to free from trouble and anxiety, in furnishing them with the comforts of life, in which pleasure consists, nature much more vigoroufly leads him to do all this for himfelf. A life of pleasure is either a real evil (and in that case we ought not to affift others in their pursuit of it, but, on the contrary, to keep them from it all we can, as from that which is most hurtful and deadly), or if it is a good thing. fo that we not only may, but ought, to help others to it; why then ought not a man to begin with himfelf; fince no man can be more bound to look after the good of another than after his own; for nature cannot direct us to be good and kind to others, and yet at the same time to be unmerciful and cruel to ourselves? Thus, as they define virtue to be living according to nature, fo they imagine that nature prompts all people on to feek after pleafure, as the end of all they do. They also observe, that in order to our supporting the pleasures of life, nature inclines us to enter into fociety; for there is no man fo much raifed above the rest of mankind as to be the only favorite of nature, who, on the contrary, feems to have placed on a level all those that belong to the same species. Upon this they infer, that no man ought to feek his own conveniencies fo eagerly as to prejudice others; and therefore they think, that not only all agreements between private perfons ought to be observed, but likewife, that all those laws ought to be kept, which either a good prince has published in due form, or to which a people, that is neither oppressed with tyranny, nor circumvented by fraud, has

confented, for distributing those conveniencies of life which afford us all our pleasures.

They think it is an evidence of true wisdom, for a man to purfue his own advantages, as far as the laws allow it. They account it piety, to prefer the public good to one's private concerns; but they think it unjust, for a man to feek for pleafure, by fnatching another man's pleasures from him. And on the contrary, they think it a fign of a gentle and good foul, for a man to dispense with his own advantage for the good of others; and that by this means, a good man finds as much pleasure one way, as he parts with another; for as he may expect the like from others when he may come to need it, fo if that should fail him, yet the sense of a good action, and the reflections that he makes on the love and gratitude of those whom he has so obliged, gives the mind more pleasure, than the body could have found in that from which it had restrained itself: they are also persuaded that God will make up the loss of those fmall pleasures, with a vast and endless joy, of which religion eafily convinces a good foul.

Thus upon an enquiry into the whole matter, they reckon that all our actions, and even all our virtues terminate in pleasure, as in our chief end and greatest happiness; and they call every motion or state, either of body or mind, in which nature teaches us to delight, a pleasure. Thus they cautiously limit pleasure, only to those appetites to which nature leads us; for they say that nature leads us only to those delights to which

ther injure any other person, nor lose the possession of greater pleasures, and of such as draw no troubles after them; but they look upon those delights which men by a soolish, though common, mistake, call pleasure, as if they could change as easily the nature of things, as the use of words, as things that greatly obstruct their real happiness, instead of advancing it, because they so entirely possess the minds of those that are once captivated by them, with a salse notion of pleasure, that there is no room left for pleasures of a truck or purer kind.

There are many things that in themselves have no. thing that is truly delightful: on the contrary, they have a good deal of bitterness in them: and yet from our perverse appetites after forbidden objects, are not only ranked among the pleafures, but are made even the greatest defigns of life. Among those who pursue these fophisticated pleasures, they reckon such as I mentioned before, who think themselves really the better for having fine clothes; in which they think they are doubly mistaken, both in the opinion that they have of their clothes, and in that they have of themselves; for if you confider the use of clothes, why should a fine thread be thought better than a coarfe one? And yet these men, as if they had some real advantages beyond others, and did not owe them wholly to their mistakes, look big, feem to fancy themselves to be more valuable, and imagine that a respect is due to them for the fake of a rich garment, to which they would not

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have pretended, if they had been more meanly clothed; and even refent it as an affront, if that respect is not paid them. It is also a great folly to be taken with outward marks of respect, which signify nothing: for what true or real pleasure can one man find in another's flanding bare, or making legs to him? Will the bending another man's knees give ease to yours? And will the head's being bare cure the madness of yours? And yet it is wonderful to fee how this false notion of pleasure bewitches many, who delight themselves with the fancy of their nobility, and are pleased with this conceit, that they are descended from ancestors, who have been held for some fuccessions rich, and who have had great possessions; for this is all that makes nobility at present: yet they do not think themselves a whit the less noble, though their immediate parents have left none of this wealth to them; or though they themselves have squandered it away. Utopians have no better opinion of those, who are much taken with gems and precious stones, and who account it a degree of happiness, next to a divine one, if they can purchase one that is very extraordinary; especially if it be of that fort of stones, that is then in greatest request; for the fame fort is not at all times univerfally of the fame value; nor will men buy it, unless it be dismounted and taken out of the gold; the jeweller is then made to give good fecurity, and required folemnly to fwear that the stone is true, that by such an exact caution, a false one might not be bought instead of a true: though if you were to examine it, your eye could find no difference G 2

ference between the counterfeit, and that which is true; for that they are all one to you as much as if you were blind. Or can it be thought that they who heap up an useless mass of wealth, not for any use that it is to bring them, but merely to please themselves with the contemplation of it, enjoy any true pleasure in it? The delight they find, is only a false shadow of joy: those are no better, whose error is somewhat different from the former, and who hide it, out of their fear of lofing it; for what other name can fit the hiding it in the earth, or rather the restoring it to it again, it being thus cut off from being useful, either to its owner, or to the rest of mankind? And yet the owner having hid it carefully, is glad, because he thinks he is now fure of it. If it should be stole, the owner, though he might live perhaps ten years after the theft, of which he knew nothing, would find no difference between his having, or losing it; for both ways it was equally useless to him.

Among those foolish pursuers of pleasure, they reckon all that delight in hunting, in fowling, or gaming: of whose madness they have only heard, for they have no such things among them: but they have asked us, what fort of pleasure is it that men can find in throwing the dice? For if there were any pleasure in it, they think the doing it so often should give one a surfeit of it: and what pleasure can one find in hearing the barking and howling of dogs, which seem rather odious than pleasant sounds? Nor can they comprehend the pleasure of seeing dogs run after a hare, more than of seeing one dog run after another; for if the seeing them run is that which gives

the pleasure, you have the same entertainment to the eye on both these occasions; fince that is the same in both cases: but if the pleasure lies in seeing the hare killed and torn by the dogs, this ought rather to ftir pity, that a weak, harmless and fearful hare, should be devoured by strong, fierce, and cruel dogs. Therefore all this business of hunting, is, among the Utopians, turned over to their butchers; and those, as has been already faid, are all flaves: and they look on hunting, as one of the basest parts of a butcher's work: for they account it both more profitable, and more decent to kill those beafts that are more necessary and useful to mankind; whereas the killing and tearing of fo fmall and miferable an animal, can only attract the huntsman with a false show of pleasure, from which he can reap but small advantage. They look on the defire of the bloodshed, even of beafts, as a mark of a mind that is already corrupted with cruelty, or that at least by the frequent returns of fo brutal a pleasure, must degenerate into it.

Thus, though the rabble of mankind look upon these, and on innumerable other things of the same nature, as pleasures; the Utopians on the contrary observing, that there is nothing in them truly pleasant, conclude, that they are not to be reckoned among pleasures: for though these things may create some tickling in the senses, (which seems to be a true notion of pleasure) yet they imagine that this does not arise from the thing itself, but from a depraved custom, which may so vitiate a man's taste, that bitter things may pass for sweet; as women with child think pitch or tallow taste sweeter

than honey; but as a man's fense when corrupted, either by a discase, or some ill habit, does not change the nature of other things, so neither can it change the nature of pleasure.

They reckon up feveral forts of pleafures, which they call true ones: fome belong to the body, and others to the mind. The pleasures of the mind lie in knowledge, and in that delight which the contemplation of truth carries with it; to which they add the joyful reflections on a well-spent life, and the assured hopes of a future happiness. They divide the pleasures of the body into two forts; the one is that which gives our fenses some real delight, and is performed, either by recruiting nature, and fupplying those parts which feed the internal heat of life by eating and drinking: or when nature is eased of any furcharge that oppresses it; when we are relieved from fudden pain, or that which arises from satisfying the appetite which nature has wifely given to lead us to the propagation of the species. There is another kind of pleasure that arises neither from our receiving what the body requires, nor its being relieved when overcharged, and yet by a fecret, unseen virtue affects the senses, raises the passions, and strikes the mind with generous impressions; this is the pleafure that arises from music. Another kind of bodily pleasure is that, which results from an undisturbed and vigorous constitution of body, when life and active spirits feem to actuate every part. This lively health, when entirely free from all mixture of pain, of itself gives gives an inward pleasure, independent of all external objects of delight; and though this pleasure does not so powerfully affect us, nor act so strongly on the senses as some of the others, yet it may be esteemed as the greatest of all pleasures, and almost all the Utopians reckon it the foundation and basis of all the other joys of life; fince this alone makes the state of life easy and defirable; and when this is wanting, a man is really capable of no other pleasure. They look upon freedom from pain, if it does not rife from perfect health, to be a state of stupidity, rather than of pleasure. This subject has been very narrowly canvassed among them; and it has been debated whether a firm and entire health could be called a pleafure, or not? Some have thought that there was no pleasure, but what was excited by fome fensible motion in the body. But this opinion has been long ago excluded from among them, fo that now they almost universally agree, That health is the greatest of all bodily pleasures; and that as there is a pain in fickness, which is as opposite in its nature to pleafure, as fickness itself is to health; so they hold, that health is accompanied with pleasure: and if any should fay, that fickness is not really pain, but that it only carries pain along with it, they look upon that as a fetch of fubtilty, that does not much alter the matter. It is all one in their opinion, whether it be faid, that health is in itself a pleasure, or that it begets a pleafure, as fire gives heat; fo it be granted, that all those whose health is entire, have a true pleasure in the enjoyment of it: and they reason thus, What is the plea-

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fure of eating, but that a man's health which had been weakened, does, with the affiftance of food, drive away hunger, and so recruiting itself, recovers its former vigour? And being thus refreshed, it finds a pleasure in that conflict: and if the conflict is pleasure, the victory must yet breed a greater pleasure, except we fancy that it becomes stupid as soon as it has obtained that which it pursued, and so neither knows nor rejoices in its own welfare. If it is said, that health cannot be felt, they absolutely deny it; for what man is in health, that does not perceive it when he is awake? Is there any man that is so dull and stupid, as not to acknowledge that he feels a delight in health? And what is delight, but another name for pleasure?

But of all pleasures, they esteem those to be most valuable that lie in the mind; the chief of which arise out of true virtue, and the witness of a good conscience. They account health the chief pleasure that belongs to the body; for they think that the pleasure of eating and drinking, and all the other delights of fense, are only so far defirable, as they give or maintain health: but they are not pleasant in themselves, otherwise than as they refift those impressions that our natural infirmities are still making upon us: for as a wife man defires rather to avoid diseases, than to take physic; and to be free from pain, rather than to find ease by remedies: fo it is more defirable, not to need this fort of pleafure, than to be obliged to indulge it. If any man imagines that there is a real happiness in these enjoyments, he must then confess that he would be the happiest of all men, if he were to lead his life in perpetual hunger, thirst, and itching, and by consequence in perpetual eating, drinking, and fcratching himfelf; which any one may eafily fee would be not only a base but a miserable state of a life. These are indeed the lowest of pleafures, and the least pure: for we can never relish them, but when they are mixed with the contrary pains. pain of hunger must give us the pleasure of eating; and here the pain out-balances the pleasure: and as the pain is more vehement, fo it lasts much longer; for as it begins before the pleasure, so it does not cease, but with the pleasure that extinguishes it, and both expire together: they think, therefore, none of those pleasures are to be valued, any further than as they are necessary; yet they rejoice in them, and with due gratitude acknowledge the tenderness of the great Author of nature, who has planted in us appetites, by which those things that are necessary for our preservation, are likewise made pleafant to us. For how miferable a thing would life be, if those daily diseases of hunger and thirst, were to be carried off by fuch bitter drugs, as we must use for those diseases that return seldomer upon us? And thus these pleasant as well as proper gifts of nature, maintain the strength and the sprightliness of our bodies.

They also entertain themselves with the other delights let in at their eyes, their ears, and their nostrils, as the pleasant relishes and seasonings of life, which nature seems to have marked out peculiarly for man: since no other sort of animals contemplates the figure and beauty of the universe; nor is delighted with smells, any farther than

as they diftinguish meats by them; nor do they apprehend the concords or discords of found; yet in all pleasures whatsoever, they take care that a lesser joy does not hinder a greater, and that pleafure may never breed pain, which they think always follows difhonest pleasures. But they think it madness for a man to wear out the beauty of his face, or the force of his natural strength; to corrupt the sprightliness of his body by floth and lazinefs, or to waste it by fasting; that it is madness to weaken the strength of his constitution, and reject the other delights of life; unless by renouncing his own fatisfaction, he can either ferve the public, or promote the happiness of others, for which he expects a greater recompence from God. So that they look on fuch a course of life, as the mark of a mind that is both cruel to itself, and ungrateful to the Author of nature, as if we would not be beholden to him for his favours, and therefore reject all his bleffings; as one who should afflict himself for the empty shadow of virtue; or for no better end, than to render himself capable of bearing these misfortunes which possibly will never happen.

This is their notion of virtue and of pleasure; they think that no man's reason can carry him to a truer idea of them, unless some discovery from heaven should inspire him with sublimer notions. I have not now the leisure to examine, whether they think right or wrong in this matter: nor do I judge it necessary, for I have only undertaken to give you an account of their constitution, but not to defend all their principles. I am sure, that whatsoever may be said of their notions, there is not in

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the whole world, either a better people or a happier government: their bodies are vigorous and lively; and though they are but of a middle stature, and have neither the fruitfullest foil, northe purest air in the world; yet they fortify themselves so well by their temperate course of life, against the unhealthiness of their air, and by their industry they fo cultivate their foil, that there is no where to be feen a greater increase, both of corn and cattle, nor are there any where healthier men, and freer from diseases: for one may there see reduced to practice, not only all the art that the husbandman employs in manuring and improving an ill foil, but whole woods plucked up by the roots, and in other places new ones planted, where there were none before. Their principal motive for this, is the convenience of carriage, that their timber may be either near their towns, or growing on the banks of the fea, or of fome rivers, fo as to be floated tothem; for it is a harder work to carry wood at any distance over land, than corn. The people are industrious, apt to learn, as well as cheerful and pleafant; and none can endure more labour, when it is necessary; but except in that case they love their case. They are unwearied pursuers of knowledge; for when we had given them fome hints of the learning and discipline of the Greeks, concerning whom we only instructed them, (for we know that there was nothing among the Romans, except their historians and their poets, that they would value much) it was strange to see how eagerly they were fet on learning that language: we began to read a little of it to them, rather in compliance with their importunity,

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portunity, than out of any hopes of their reaping from it any great advantage: but after a very short trial, we found they made fuch progrefs, that we faw our labour was like to be more fuccessful than we could have expected. They learned to write their characters, and to pronounce their language fo exactly, had fo quick an apprehension, they remembered it so faithfully, and became fo ready and correct in the use of it, that it would have looked like a miracle, if the greater part of those whom we taught had not been men both of extraor. dinary capacity, and of a fit age for instruction: they were for the greatest part chosen from among their learned men, by their chief counfel, though some studied it of their own accord. In three years time they became masters of the whole language, so that they read the best of the Greek authors very exactly. I am indeed apt to think, that they learned that language the more eafily, from its having fome relation to their own: I believe that they were a colony of the Greeks; for though their language comes nearer the Persian, yet they retain many names, both for their towns and magistrates, that are of Greek derivation. I happened to carry a great many books with me, instead of merchandise, when I failed my fourth voyage; for I was fo far from thinking of foon coming back, that I rather thought never to have returned at all, and I gave them all my books, among which were many of Plato's and some of Aristotle's works. I had also Theophrastus on plants, which to my great regret, was imperfect: for having laid it carelefsly by while we were at fea, a monkey had feized upon upon it and in many places torn out the leaves. They have no books of grammar, but Lascares, for I did not carry Theodorus with me; nor have they any dictionaries but Hefichius and Dioscorides. They esteem Plutarch highly, and were much taken with Lucian's wit, and with his pleasant way of writing. As for the poets, they have Aristophanes, Homer, Euripides, and Sophocles of Aldus's edition; and for historians, Thucidides, Herodotus and Herodian. One of my companions, Thricius Apinatus, happened to carry with him some of Hippocrates's works, and Galen's Microtechne, which they hold in great estimation; for though there is no nation in the world that needs physic so little as they do, yet there is not any that honours it fo much: they reckon the knowledge of it one of the pleafantest and most profitable parts of philosophy, by which, as they fearch into the feerets of nature, fo they not only find this fludy highly agreeable, but think that fuch enquiries are very acceptable to the Author of nature; and imagine, that as he, like the inventors of curious engines amongst mankind, has exposed this great machine of the universe, to the view of the only creatures capable of contemplating it, fo an exact and curious observer, who admires his workmanship, is much more acceptable to him than one of the herd, who like a beaft incapable of reason, looks on this glorious scene with the eyes of a dull and unconcerned spectator.

The minds of the Utopians, when fenced with a love for learning, are very ingenious in discovering all such arts as are necessary to carry it to perfection. Two things

they owe to us, the manufacture of paper, and the art of printing: yet they are not fo entirely indebted to us for these discoveries, but that a greater part of the invention was their own. We shewed them some books printed by Aldus, we explained to them the way of making paper, and the mystery of printing; but as we had never practifed these arts, we described them in a crude and superficial manner. They seized the hints we gave them, and though at first they could not arrive at perfection, yet by making many essays, they at last found out, and corrected all their errors, and conquered every difficulty. Before this they only wrote on parchment, on reeds, or on the barks of trees; but now they have established the manufactures of paper, and set up printing-preffes, fo that if they had but a good number of Greek authors, they would be quickly supplied with many copies of them: at present, though they have no more than those I have mentioned, yet by feveral impressions, they have multiplied them into many thousands. If any man was to go among them, that had fome extraordinary talent, or that by much travelling had observed the cuftoms of many nations, (which made us to be fo well received) he would receive a hearty welcome; for they are very defirous to know the state of the whole world. Very few go among them on the account of traffic, for what can a man carry to them but iron, or gold, or filver, which merchants defire rather to export, than import to a strange country: and as for their exportation, they think it better to manage that themselves, than to leave it to foreigners, for by this means, as they underfland

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fland the state of the neighbouring countries better, so they keep up the art of navigation, which cannot be maintained but by much practice.

OF THEIR SLAVES,

AND OF THEIR

MARRIAGES.

HEY do not make flaves of prisoners of war, except those that are taken in battle; nor of the fons of their flaves, nor of those of other nations: the flaves among them, are only fuch as are condemned to that state of life for the commission of some crime, or which is more common, fuch as their merchants find condemned to die in those parts to which they trade, whom they fometimes redeem at low rates; and in other places have them for nothing. They are kept at perpetual labour, and are always chained, but with this difference, that their own natives are treated much worse than others; they are confidered as more profligate than the rest, and fince they could not be reftrained by the advantages of fo excellent an education, are judged worthy of harder usage. Another fort of flaves, are the poor of the neighbouring countries, who offer of their own accord to come and ferve them; they treat these better, and use them in alt ether refpects, as well as their own countrymen, except

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their imposing more labour upon them, which is no hard task to those that have been accustomed to it; and if any of these have a mind to go back to their own country, which indeed falls out but seldom, as they do not force them to stay, so they do not send them away empty handed.

I have already told you with what care they look after their fick, so that nothing is left undone that can contribute either to their ease or health: and for those who are taken with fixed and incurable difeases, they use all possible ways to cherish them, and to make their lives as comfortable as possible: they visit them often, and take great pains to make their time pass off easily: but when any is taken with a torturing and lingering pain, fo that there is no hope, either of recovery or ease, the priests and magistrates come and exhort them, that fince they are now unable to go on with the business of life, are become a burden to themselves, and to all about them, and they have really outlived themfelves, they should no longer nourish such a rooted distemper, but choose rather to die, fince they cannot live, but in much misery; being affured, that if they thus deliver themselves from torture, or are willing that others should do it, they shall be happy after death. Since by their acting thus, they lose none of the pleasures, but only the troubles of life; they think they behave not only reasonably, but in a manner consistent with religion and piety; because they follow the advice given them by their priests, who are the expounders of the will of God. Such as are wrought on by these persuasions, either starve themselves

themselves of their own accord, or take opium, and by that means die without pain. But no man is forced on this way of ending his life; and if they cannot be perfuaded to it, this does not induce them to fail in their attendance and care of them: but as they believe that a voluntary death, when it is chosen upon such an authority, is very honourable; so if any man takes away his own life, without the approbation of the priests and the senate, they give him none of the honours of a decent funeral, but throw his body into a ditch.

Their women are not married before eighteen, nor their men before two and twenty; and if any of them run into forbidden embraces before marriage, they are feverely punished, and the privilege of marriage is denied them, unless they can obtain a special warrant from the prince. Such diforders cast a great reproach upon the master and mistress of the family in which they happen; for it is supposed, that they have failed in their duty. The reason of punishing this so severely, is, because they think that if they were not strictly restrained from all vagrant appetites, very few would engage in a state in which they venture the quiet of their whole lives, by being confined to one person, and are obliged to endure all the inconveniences with which it is accompanied. In choofing their wives, they use a method that would appear to us very abfurd and ridiculous, but it is constantly observed among them, and is accounted perfectly confistent with wisdom. Before marriage, some grave matron presents the bride naked, whether she is a virgin or a widow, to the bridegroom; and after that, fome

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grave man presents the bridegroom naked to the bride. We indeed both laughed at this, and condemned it as very indecent. But they, on the other hand, wondered at the folly of the men of all other nations; who if they are but to buy a horse of a small value, are so cautious, that they will fee every part of him, and take off both his faddle, and all his other tackle, that there may be no feeret ulcer hid under any of them; and that yet in the choice of a wife, on which depends the happiness or unhappiness of the rest of his life, a man should venture upon truft, and only fee about an hands-breadth of the face, all the rest of the body being covered; under which there may lie hid what may be contagious, as well as loathfome. All men are not fo wife, as to choose a woman only for her good qualities; and even wife men confider the body, as that which adds not a little to the mind: and it is certain, there may be some such deformity covered with the clothes, as may totally alienate a man from his wife, when it is too late to part with her: if fuch a thing is discovered after marriage, a man has no remedy but patience: they therefore think it is reasonable, that there should be good provision made against such mischievous frauds.

There was so much the more reason for them to make a regulation in this matter, because they are the only people of those parts that neither allow of polygamy, nor of divorces, except in the case of adultery, or insufferable perversences: for in these cases the senate dissolves the marriage, and grants the injured person leave to marry again; but the guilty are made infamous, and are never

never allowed the privilege of a fecond marriage. None are fuffered to put away their wives against their wills, from any great calamity that may have fallen on their perfons, for they look on it as the height of cruelty and treachery to abandon either of the married perfons, when they need most the tender care of their confort; and that chiefly in the case of old age, which as it carries many diseases along with it, so it is a disease of itself. But it frequently falls out, that when a married couple do not well agree, they by mutual confent feparate, and find out other persons with whom they hope they may live more happily: yet this is not done, without obtaining leave of the fenate; which never admits of a divorce, but upon a strict enquiry made, both by the fenators and their wives, into the grounds upon which it is defired; and even when they are fatisfied concerning the reasons of it, they go on but slowly, for they imagine that too great easiness, in granting leave for new marriages, would very much shake the kindness of married people. They punish feverely those that defile the marriage-bed: If both parties are married, they are divorced, and the injured perfons may marry one another, or whom they please; but the adulterer and the adulteress are condemned to flavery. Yet if either of the injured perfons cannot shake off the love of the married person, they may live with them still in that state; but they must follow them to that labour to which the slaves are condemned; and fometimes the repentance of the condemned, together with the unshaken kindness of the innocent and injured person, has prevailed so far with the H 2 prince,

prince, that he has taken off the fentence: but those that relapse, after they are once pardoned, are punished with death.

Their law does not determine the punishment for other crimes; but that is left to the fenate, to temper it according to the circumstances of the fact. have power to correct their wives, and parents to chaftife their children, unless the fault is so great, that a public punishment is thought necessary for striking terror into others. For the most part, slavery is the punishment even of the greatest crimes; for as that is no less terrible to the criminals themselves than death, so they think the preferring them in a flate of fervitude, is more for the interest of the common-wealth, than killing them: fince as their labour is a greater benefit to the public, than their death could be; fo the fight of their misery is a more lasting terror to other men, than that which would be given by their death. If their flaves rebel, and will not bear their yoke, and Submit to the labour that is enjoined them, they are treated as wild beafts that cannot be kept in order, neither by a prison, nor by their chains; and are at last put to death. But those who bear their punishment patiently, and are fo much wrought on by that pressure, that lies fo hard on them, that it appears they are really more troubled for the crimes they have committed, than for the miseries they suffer, are not out of hope, but that at last either the prince will, by his prerogative, or the people, by their intercession, restore them again to their liberty, or

at least very much mitigate their flavery. He that tempts a married woman to adultery, is no less severely punished, than he that commits it; for they believe that a deliberate design to commit a crime, is equal to the fact itself; since its not taking effect does not make the person that miscarried in his attempt at all the less guilty.

They take great pleasure in fools, and as it is thought a base and unbecoming thing to use them ill, so they do not think it amiss for people to divert themselves with their folly: and, in their opinion, this is a great advantage to the fools themselves: for if men were so sullen and fevere, as not at all to please themselves with their ridiculous behaviour, and foolish fayings, which is all that they can do to recommend themselves to others, it could not be expected that they would be so well provided for, nor fo tenderly used as they must otherwise be. If any man should reproach another for his being mishaped or imperfect in any part of his body, it would not at all be thought a reflection on the person so treated, but it would be accounted feandalous in him that had upbraided another with that he could not help. It is thought a fign of a fluggish and fordid mind, not to preserve carefully one's natural beauty; but it is likewife infamous among them to use paint. They all see that no beauty recommends a wife fo much to her husband, as the probity of her life, and her obedience: for as fome few are catched and held only by beauty, fo all are attracted by the other excellencies which charm all the world.

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As they fright men from committing crimes by punishments, so they invite them to the love of virtue, by public honours: therefore they erect statues to the memories of such worthy men as have deserved well of their country, and set these in their market-places, both to perpetuate the remembrance of their actions, and to be an incitement to their posterity to follow their example.

If any man aspires to any office, he is sure never to compass it: they all live easily together, for none of the magistrates are either insolent or cruel to the people: they affect rather to be called fathers, and by being really so, they well deserve the name; and the people pay them all the marks of honour the more freely, beause none are exacted from them. The prince himself has no distinction, either of garments, or of a crown; but is only distinguished by a sheaf of corn carried before him; as the high priest is also known by his being preceded by a perfon carrying a wax light.

They have but few laws, and fuch is their constitution, that they need not many. They very much condemn other nations, whose laws, together with the commentaries on them, swell up to so many volumes; for they think it an unreasonable thing to oblige men to obey a body of laws, that are both of such a bulk, and so dark as not to be read and understood by every one of the subjects.

They have no lawyers among them, for they consider them as a fort of people, whose profession it is to difguise matters and to wrest the laws; and therefore they think it is much better that every man should plead his own cause, and trust it to the judge, as in other places the client trusts it to a counsellor. By this means they both cut off many delays, and find out truth more certainly: for after the parties have laid open the merits of the cause, without those artifices which lawyers are apt to suggest, the judge examines the whole matter, and supports the fimplicity of fuch well-meaning perfons, whom otherwife crafty men would be fure to run down: and thus they avoid those evils, which appear very remarkably among all those nations that labour under a vast load of laws. Every one of them is skilled in their law, for as it is a very short study, so the plainest meaning of which words are capable, is always the fense of their laws. And they argue thus; all laws are promulgated for this end, that every man may know his duty; and therefore the plainest and most obvious sense of the words, is that which ought to be put upon them; fince a more refined exposition cannot be easily comprehended, and would only ferve to make the laws become useless to the greater part of mankind, and especially to those who need most the direction of them: for it is all one, not to make a law at all, or to couch it in fuch terms, that without a quick apprehension, and much study, a man cannot find out the true meaning of it; fince the generality of mankind are both fo dull, and fo much employed in their feveral trades, that they have neither the leifure nor the capacity requifite for fuch an enquiry.

Some of their neighbours, who are masters of their own liberties, having long ago, by the assistance of the Utopians, shaken off the yoke of tyranny; and being much

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taken with those virtues which they observe among them, have come to defire that they would fend magistrates to govern them; fome changing them every year, and others every five years. At the end of their government, they bring them back to Utopia, with great expressions of hohour and esteem, and carry away others to govern in their stead. In this they feem to have fallen upon a very good expedient for their own happiness and fafety; for fince the good or ill condition of a nation depends fo much upon their magistrates, they could not have made a better choice, than by pitching on men whom no advantages can bias; for wealth is of no use to them, fince they must so foon go back to their own country; and they being strangers among them, are not engaged in any of their heats or animofities: and it is certain, that when public judicatories are fwayed, either by avarice or partial affections, there must follow a dissolution of justice, the chief finew of fociety.

The Utopians call those nations that come and ask magistrates from them, neighbours; but those to whom they have been of more particular service, friends. And as all other nations are perpetually either making leagues or breaking them, they never enter into an alliance with any state. They think leagues are useless things, and believe, that if the common ties of humanity do not knit men together, the faith of promises will have no great effect: and they are the more confirmed in this, by what they see among the nations round about them, who are no strict observers of leagues and treaties. We know how religiously they are observed in Europe;

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more particularly where the Christian doctrine is received, among whom they are facred and inviolable. Which is partly owing to the justice and goodness of the princes themselves, and partly to the reverence they pay to the popes: who as they are most religious observers of their own promifes, fo they exhort all other princes to perform theirs; and when fainter methods do not prevail, they compel them to it by the feverity of the pastoral cenfure; and think that it would be the most indecent thing possible, if men who are particularly distinguished by the title of the faithful, should not religiously keep the faith of their treaties. But in that new-found world, which is not more distant from us in situation, than the people are in their manners and course of life, there is no trusting to leagues, even though they were made with all the pomp of the most facred ceremonies: on the contrary, they are on this account the fooner broken, fome flight pretence being found in the words of the treaties, which are purposely couched in such ambiguous terms, that they can never be fo strictly bound, but they will always find fome loop-hole to escape at; and thus they break both their leagues and their faith. is done with fuch impudence, that those very men who value themselves on having suggested these expedients to their princes, would with a haughty fcorn, declaim against fuch craft, or to speak plainer, such fraud and deceit, if they found private men make use of it in their bargains; and would readily fay, that they deserved to be hanged.

By this means it is, that all fort of justice, passes in the world, for a low-spirited and vulgar virtue, far be-

low the dignity of royal greatness. Or at least, there are fet up two forts of justice: the one is mean, and creeps on the ground, and therefore becomes none but the lower part of mankind, and, fo must be kept in severely by many restraints, that it may not break out beyond the bounds that are fet to it. The other is the peculiar virtue of princes, which as it is more majestic than that which becomes the rabble, fo takes a freer compass; and thus lawful and unlawful, are only measured by pleasure and interest. These practices of the princes that lie about Utopia, who make so little account of their faith, feem to be the reasons that determine them to engage in no confederacies: perhaps they would change their mind if they lived among us: but yet though treaties were more religiously observed, they would still dislike the custom of making them; fince the world has taken up a false maxim upon it, as if there were no tie of nature uniting one nation to another, only separated perhaps by a mountain, or a river, and that all were born in a state of hostility, and so might lawfully do all that mischief to their neighbours, against which there is no provision made by treaties: and that when treaties are made, they do not cut off the enmity, or restrain the license of preying upon each other, if by the unskilfulness of wording them, there are not effectual proviso's made against them. They, on the other hand, judge, that no man is to be esteemed our enemy that has never injured us; and that the partnership of the human nature, is instead of a league. And that kindness and good nature unite men more effectually, and with greater ftrength

ftrength than any agreements whatfoever; fince thereby the engagements of men's hearts become stronger, than the bond and obligation of words.

OF THEIR

MILITARY DISCIPLINE.

HEY detest war as a very brutal thing; and which, to the reproach of human nature, is more practifed by men, than by any fort of beafts: they, in opposition to the fentiments of almost all other nations, think that there is nothing more inglorious than that glory that is gained by war: and therefore though they accustom themfelves daily to military exercises, and the discipline of war, in which not only their men, but their women likewise, are trained up, that in cases of necessity, they may not be quite useles: yet they do not rashly engage in war, unless it be either to defend themselves, or their friends, from any unjust aggressors; or out of good nature, or in compassion assist an oppressed nation, in shaking off the yoke of tyranny. They indeed help their friends, not only in defensive, but also in offensive wars: but they never do that, unless they had been confulted before the breach was made, and being fatisfied with the grounds on which they went, they had found that all demands of reparation were rejected, fo that a war was unavoid-

unavoidable. This they think to be not only just, when one neighbour makes an inroad on another, by public order, and carry away the spoils; but when the merchants of one country are oppressed in another, either under pretence of some unjust laws, or by the perverse wresting of good ones. This they count a juster cause of war than the other, because those injuries are done under some colour of laws. This was the only ground of that war in which they engaged with the Nephelogetes against the Aleopolitanes, a little before our time: for the merchants of the former having, as they thought, met with great injustice among the latter, which whether it was in itself right or wrong, drew on a terrible war, in which many of their neighbours were engaged; and their keenness in carrying it on, being supported by their strength in maintaining it; it not only shook some very flourishing states, and very much afflicted others, but after a feries of much mischief, ended in the intire conquest and slavery of the Aleopolitanes, who though before the war, they were in all respects much superior to the Nephelogetes, were yet fubdued: but though the Utopians had affisted them in the war, yet they pretended to no share of the spoil.

But though they so vigorously assist their friends in obtaining reparation for the injuries they have received in affairs of this nature, yet if any such frauds were committed against themselves, provided no violence was done to their persons, they would only, on their being resused fatisfaction, forbear trading with such a people. This is not because they consider their neighbours more than their own citizens; but since their neighbours trade every one

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apon his own stock, fraud is a more fensible injury to them than it is to the Utopians, among whom the public in such a case only suffers. As they expect nothing in return for the merchandizes they export, but that in which they fo much abound, and is of little use to them, the lofs does not much affect them; they think therefore it would be too fevere to revenge a lofs attended with fo little inconvenience either to their lives, or their fublishence, with the death of many persons; but if any of their people is either killed or wounded wrongfully, whether it be done by public authority, or only by private men, as foon as they hear of it, they fend ambaffadors, and demand, that the guilty perfons may be delivered up to them; and if that is denied, they declare war; but if it be complied with, the offenders are condemned either to death or flavery.

They would be both troubled and ashamed of a bloody victory over their enemies; and think it would be as foolish a purchase, as to buy the most valuable goods at too high a rate. And in no victory do they glory so much, as in that which is gained by dexterity and good conduct, without bloodshed. In such cases they appoint public triumphs, and erect trophies to the honour of those who have succeeded; for then do they reckon that a man acts suitably to his nature, when he conquers his enemy in such a way, as that no other creature but a man could be capable of, and that is, by the strength of his understanding. Bears, lions, boars, wolves, and dogs, and all other animals employ their bodily force one against another, in which as many of them are superior to men,

both in strength and sierceness, so they are all subdued by his reason and understanding.

The only design of the Utopians in war, is to obtain that by force, which if it had been granted them in time, would have prevented the war; or if that cannot be done, to take so severe a revenge on those that have injured them, that they may be terrified from doing the like for the time to come. By these ends they measure all their designs, and manage them so, that it is visible that the appetite of same or vain-glory, does not work so much on them, as a just care of their own security.

As foon as they declare war, they take care to have a great many schedules, that are sealed with their common feal, affixed in the most conspicuous places of their enemies country. This is carried fecretly, and done in many places all at once. In these they promise great rewards to fuch as shall kill the prince, and leffer in proportion to fuch as shall kill any other persons, who are those on whom, next to the prince himself, they cast the chief balance of the war. And they double the sum to him, that instead of killing the person so marked out, shall take him alive, and put him in their hands. They offer not only indemnity, but rewards, to fuch of the persons themselves that are so marked, if they will act against their countrymen: by this means those that are named in their fehedules, become not only distrustful of their fellow citizens, but are jealous of one another: and are much distracted by fear and danger: for it has often fallen out, that many of them, and even the prince himself.

himfelf, have been betrayed by those in whom they have trusted most: for the rewards that the Utopians offer, are fo unmeasurably great, that there is no fort of erime to which men cannot be drawn by them. They confider the rifque that those run, who undertake fuch fervices, and offer a recompence proportionate to the danger; not only a vast deal of gold, but great revenues in lands, that lie among other nations that are their friends, where they may go and enjoy them very fecurely; and they observe the promises they make of this kind most religiously. They very much approve of this way of corrupting their enemies, though it appears to others to be base and cruel; but they look on it as a wise courfe, to make an end of what would be otherwise a long war, without fo much as hazarding one battle to decide it. They think it likewise an act of mercy and love to mankind, to prevent the great flaughter of those that must otherwise be killed in the progress of the war, both on their own fide, and on that of their enemies, by the death of a few that are most guilty; and that in fo doing, they are kind even to their enemies, and pity them no lefs than their own people, as knowing that the greater part of them do not engage in the war of their own accord, but are driven into it by the passions of their prince.

If this method does not fucceed with them, then they fow feeds of contention among their enemies, and animate the prince's brother, or fome of the nobility, to aspire to the crown. If they cannot disunite them by domestic broils, then they engage their neighbours against them, and make them set on foot some old pretensions,

which are never wanting to princes, when they have occasion for them. These they plentifully supply with money, though but very sparingly with any auxiliary troops: for they are so tender of their own people, that they would not willingly exchange one of them, even with the prince of their enemies country.

But as they keep their gold and filver only for fuch an occasion, so when that offers itself, they easily part with it, fince it would be no inconvenience to them, though they should reserve nothing of it to themselves. For befides the wealth that they have among them at home, they have a vast treasure abroad; many nations round about them, being deep in their debt: fo that they hire foldiers from all places for carrying on their wars; but chiefly from the Zapolets, who live five hundred miles east of Utopia. They are a rude, wild, and sierce nation, who delight in the woods and rocks, among which they were born and bred up. They are hardened both against heat, cold, and labour, and know nothing of the delicacies of life. They do not apply themselves to agriculture, nor do they care either for their houses or Their clothes. Cattle is all that they look after; and for the greatest part, they live either by hunting, or upon rapine; and are made, as it were, only for war. They watch all opportunities of engaging in it, and very readily embrace such as are offered them. Great numbers of them will frequently go out, and offer themselves for a very low pay, to ferve any that will employ them: they know none of the arts of life, but those that lead to the taking it away; they serve those that hire them, both with much

much courage and great fidelity; but will not engage to ferve for any determined time, and agree upon fuch terms, that the next day they may go over to the enemies of those whom they ferve, if they offer them a greater encouragement: and will perhaps return to them the day after that, upon a higher advance of their pay. There are few wars in which they make not a confiderable part of the armies of both fides: fo it often falls out, that they who are related, and were hired in the fame country, and fo have lived long and familiarly together, forgetting both their relations and former friendship, kill one another upon no other confideration, than that of being hired to it for a little money, by princes of different interests: and such a regard have they for money, that they are easily wrought on by the difference of one penny a day, to change fides. So entirely does their avarice influence them; and yet this money which they value so highly, is of little use to them; for what they purchase thus with their blood, they quickly waste on luxury, which among them is but of a poor and miserable form.

This nation ferves the Utopians against all people whatfoever, for they pay higher than any other. The Utopians hold this for a maxim, that as they feek out the best
fort of men for their own use at home, so they make use
of this worst fort of men for the consumption of war, and
therefore they hire them with the offers of vast rewards,
to expose themselves to all forts of hazards, out of which
the greater part never returns to claim their promises.
Yet they make them good most religiously to such as escape. This animates them to adventure again, whenever

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there is occasion for it; for the Utopians are not all troubled how many of these happen to be killed; and reckon it a fervice done to mankind, if they could be a means to deliver the world from such a lewd and vicious fort of people, that feem to have run together, as to the drain of human nature. Next to these they are served in their wars, with those upon whose account they undertake them, and with the auxiliary troops of their other friends, to whom they join a few of their own people, and fend fome man of eminent and approved virtue to command in chief. There are two fent with him, who during his command, are but private men, but the first is to succeed him if he should happen to be either killed or taken; and in case of the like misfortune to him, the third comes in his place; and thus they provide against ill events, that such accidents as may befal their Generals, may not endanger their armies.

When they draw out troops of their own people, they take such out of every city as freely offer themselves, for none are forced to go against their wills, since they think that if any man is pressed that wants courage, he will not only act faintly, but by his cowardice dishearten others. But if an invasion is made on their country, they make use of such men, if they have good bodies, though they are not brave; and either put them aboard their ships, or place them on the walls of their towns, that being so posted, they may find no opportunity of slying away; and thus either shame, the heat of action, or the impossibility of slying, bears down their cowardice; they often make a virtue of necessity, and behave themselves well, because

nothing else is left them. But as they force no man to go into any foreign war against his will, so they do not hinder those women who are willing to go along with their husbands: on the contrary, they encourage and praise them; and they fland often next their husbands in the front of the army. They also place together those who are related, parents and children, kindred, and those that are mutually allied, near one another; that those whom nature has inspired with the greatest zeal for affisting one another, may be the nearest and readiest to do it; and it is matter of great reproach, if husband or wife survive one another, or if a child furvives his parent, and therefore when they come to be engaged in action, they continue to fight to the last man, if their enemies stand before them: and as they use all prudent methods to avoid the endangering their own men, and if it is possible, let all the action and danger fall upon the troops that they hire, fo if it becomes necessary for themselves to engage, they then charge with as much courage, as they avoided it before with prudence. Nor is it a fierce charge at first, but it encreases by degrees; and as they continue in action, they grow more obstinate, and press harder upon the enemy, infomuch that they will much fooner die than give ground; for the certainty that their children will be well looked after, when they are dead, frees them from all that anxiety concerning them, which often masters men of great courage; and thus they are animated by a noble and invincible refolution. Their skill in military affairs encreases their courage; and the wife sentiments which according to the laws of their country, are instilled into

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them in their education, give additional vigour to their minds: for as they do not under-value life fo as prodigally to throw it away, they are not fo indecently fond of it, as to preferve it, by base and unbecoming methods. greatest heat of action the bravest of their youth, who have devoted themselves to that service, single out the General of their enemies, fet on him either openly or by ambufcade; purfue him every where, and when fpent and wearied out, are relieved by others, who never give over the purfuit, either attacking him with close weapons when they can get near him, or with those which wound at a distance, when others get in between them: fo that unless he secures himself by slight, they seldom fail at last to kill or to take him prisoner. When they have obtained a victory, they kill as few as possible, and are much more bent on taking many prisoners, than on killing those that fly before them: Nor do they ever let their men so loose in the purfuit of their enemies, as not to retain an entire body still in order; so that if they have been forced to engage the last of their battalions, before they could gain the day, they will rather let their enemies all escape than purfue them, when their own army is in diforder; remembering well what has often fallen out to themselves; that when the main body of their army has been quite defeated and broken, when their enemies imagining the victory obtained, have let themselves loose into an irregular pursuit, a few of them that lay for a reserve, waiting a fit opportunity, have fallen on them in their chafe, and when straggling in disorder, and apprehensive of no danger, but counting the day their own, have turned the whole

whole action, and wresting out of their hands a victory that seemed certain and undoubted, while the vanquished have suddenly become victorious.

It is hard to tell whether they are more dexterous in laying or avoiding ambushes: they fometimes seem to fly when it is far from their thoughts; and when they intend to give ground, they do it fo, that it is very hard to find out their defign. If they fee they are ill posted, or are like to be overpowered by numbers, they then either march off in the night with great filence, or by fome stratagem delude their enemies: if they retire in the day-time, they do it in fuch order, that it is no less dangerous to fall upon them in a retreat, than in a march. They fortify their camps with a deep and large trench; and throw up the earth that is dug out of it for a wall; nor do they employ only their flaves in this, but the whole army works at it, except those that are then upon the guard; fo that when fo many hands are at work, a great line and a strong fortification is finished in so short a time, that it is scarce credible. Their armour is very strong for defence, and yet is not fo heavy as to make them uneafy in their marches; they can even fwim with it. All that are trained up to war, practife fwimming: both horfe and foot make great use of arrows, and are very expert: they have no fwords, but fight with a pole-axe that is both sharp and heavy, by which they thrust or strike down an enemy; they are very good at finding out warlike machines, and difguife them fo well, that the enemy does not perceive them, till he feels the use of them; fo that he cannot prepare fuch a defence as would render them

useless; the chief consideration had in the making them, is, that they may be easily carried and managed.

If they agree to a truce, they observe it so religiously, that no provocations will make them break it. They never lay their enemies country waste, nor burn their corn, and even in their marches they take all possible care, that neither horse nor foot may tread it down, for they do not know but that they may have use for it themselves. They hurt no man whom they find difarmed, unless he is a fpy. When a town is furrendered to them, they take it into their protection: and when they carry a place by florm, they never plunder it, but put those only to the fword that opposed the rendering of it up, and make the rest of the garrison flaves, but for the other inhabitants, they do them no hurt; and if any of them had advised a furrender, they give them good rewards out of the estates of those that they condemn, and distribute the rest among their auxiliary troops, but they themselves take no share of the spoil.

When a war is ended, they do not oblige their friends to reimburfe their expences, but they obtain them of the conquered, either in money, which they keep for the next occasion, or in lands, out of which a constant revenue is to be paid them; by many increases, the revenue which they draw out from several countries on such occasions, is now risen to above 700,000 ducats a year. They send some of their own people to receive these revenues, who have orders to live magnificently, and like princes, by which means they consume much of it upon the place; and either bring over the rest to Utopia, or lend it to that nation

nation in which it lies. This they most commonly do, unless some great occasion, which falls out but very seldom, should oblige them to call for it all. It is out of these lands that they assign rewards to such as they encourage to adventure on desperate attempts. If any prince that engages in war with them, is making preparations for invading their country, they prevent him, and make his country the seat of the war; for they do not willingly suffer any war to break in upon their island; and if that should happen, they would only defend themselves by their own people; but would not call for auxiliary troops to their assistance.

OF THE

RELIGIONS OF THE UTOPIANS.

HERE are several forts of religions, not only in different parts of the island, but even in every town; some worshipping the sun, others the moon, or one of the planets: some worship such men as have been eminent in sormer times for virtue, or glory, not only as ordinary deities, but as the Supreme God: Yet the greater and wiser fort of them worship none of these, but adore one eternal, invisible, infinite, and incomprehensible Deity; as a Being that is far above all our apprehensions, that is spread over the whole universe, not by his bulk, but by his power and virtue: him they call the Father of all,

and acknowledge that the beginnings, the encrease, the progress, the vicissitudes, and the end of all things come only from him; nor do they offer divine honours to any but to him alone. And indeed, though they differ concerning other things, yet all agree in this; that they think there is one Supreme Being that made and governs the world, whom they call in the language of their country, Mithras. They differ in this, that one thinks the God whom he worships is this Supreme Being, and another thinks that his idol is that God; but they all agree in one principle, that whoever is this Supreme Being, he is also that great effence, to whose glory and majesty all honours are ascribed by the consent of all nations.

By degrees, they fall off from the various supersitions that are among them, and grow up to that one religion that is the best and most in request; and there is no doubt to be made, but that all the others had vanished long ago, if some of those who advised them to lay aside their superstitions, had not met with some unhappy accidents, which being considered as inslicted by heaven, made them asraid that the god whose worship had like to have been abandoned, had interposed, and revenged themselves on those who despised their authority.

After they had heard from us, an account of the doctrine, the course of life, and the miracles of Christ, and of the wonderful constancy of so many martyrs, whose blood, so willingly offered up by them, was the chief occasion of spreading their religion over a vast number of nations, it is not to be imagined how inclined they were to receive it. I shall not determine whether this proceeded

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ceeded from any fecret inspiration of God, or whether it was because it seemed so favourable to that community of goods, which is an opinion fo particular, as well as fo dear to them; fince they perceived that Christ and his followers lived by that rule: and that it was still kept up in some communities among the fincerest fort of Christians. From which foever of these motives it might be, true it is that many of them came over to our religion, and were initiated into it by baptism. But as two of our number were dead, so none of the four that furvived, were in priefts orders; we therefore could only baptize them; fo that to our great regret, they could not partake of the other facraments, that can only be administered by priests: But they are instructed concerning them, and long most vehemently for them. They have had great disputes among themselves, whether one chosen by them to be a prieft, would not be thereby qualified to do all the things that belong to that character, even though he had no authority derived from the pope; and they feemed to be refolved to choose some for that employment, but they had not done it when I left them.

Those among them that have not received our religion, do not fright any from it, and use none ill that goes over to it; so that all the while I was there, one man was only punished on this occasion. He being newly baptized, did, notwithstanding all that we could say to the contrary, dispute publickly concerning the Christian religion, with more zeal than discretion; and with so much heat, that he not only preferred our worship to theirs, but condemned all their rights as profane; and cried out against all that ad-

hered to them, as impious and facrilegious perfons, that were to be damned to everlafting burnings. Upon his having frequently preached in this manner, he was feized. and after trial, he was condemned to banishment, not for having disparaged their religion, but for his inflaming the people to fedition: for this is one of their most ancient laws, that no man ought to be punished for his religion. At the first constitution of their government, Utopus having understood, that before his coming among them, the old inhabitants had been engaged in great quarrels concerning religion, by which they were fo divided among themselves, that he found it an easy thing to conquer them, fince instead of uniting their forces against him, every different party in religion fought by themselves: after he had fubdued them, he made a law that every man might be of what religion he pleased, and might endeavour to draw others to it by the force of argument, and by amicable and modest ways, but without bitterness against those of other opinions; but that he ought to use no other force but that of perfuafion; and was neither to mix with it reproaches nor violence; and fuch as did otherwise were to be condemned to banishment or flavery.

This law was made by Utopus, not only for preserving the public peace, which he saw suffered much by daily contentions and irreconcilable heats, but because he thought the interest of religion itself required it. He judged it not fit to determine any thing rashly; and seemed to doubt whether those different forms of religion might not all come from God, who might inspire men

in a different manner, and be pleased with this variety; he therefore thought it indecent and foolish for any man to threaten and terrify another to make him believe what did not appear to him to be true. And supposing that only one religion was really true, and the rest false, he imagined that the native force of truth would at last break forth and shine bright, if supported only by the strength of argument, and attended to with a gentle and unprejudiced mind; while, on the other hand, if such debates were carried on with violence and tumults, as the most wicked are always the most obstinate, so the best and most holy religion, might be choaked with superstition, as corn is with briars and thorns; he therefore left men wholly to their liberty, that they might be free to believe as they should see cause; only he made a solemn and fevere law against fuch as should so far degenerate from the dignity of human nature, as to think that our fouls died with our bodies, or that the world was governed by chance, without a wife over-ruling Providence; for they all formerly believed that there was a flate of rewards and punishments to the good and bad after this life; and they now look on those that think otherwise, as scarce fit to be counted men, fince they degrade fo noble a being as the foul, and reckon it no better than a beaft's: thus they are far from looking on fuch men as fit for human fociety, or to be citizens of a well-ordered commonwealth; fince a man of fuch principles must needs, as oft as he dares do it, despise all their laws and customs: for there is no doubt to be made, that a man who is afraid of nothing but the law, and apprehends nothing after

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after death, will not fcruple to break through all the laws of his country, either by fraud or force, when by this means he may fatisfy his appetites. They never raise any that hold these maxims, either to honours or offices, nor employ them in any public trust, but despise them, as men of base and fordid minds: yet they do not punish them, because they lay this down as a maxim, that a man cannot make himself believe any thing he pleases; nor do they drive any to diffemble their thoughts by threatenings, fo that men are not tempted to lie or difguise their opinions; which being a fort of fraud, is abhorred by the Utopians: they take care indeed to prevent their difputing in defence of these opinions, especially before the common people: but they fuffer, and even encourage them to dispute concerning them in private with their priests, and other grave men, being confident that they will be cured of those mad opinions, by having reason laid before them. There are many among them that run far to the other extreme, though it is neither thought an ill nor unreasonable opinion, and therefore is not at all difcouraged. They think that the fouls of beafts are immortal, though far inferior to the dignity of the human foul, and not capable of fo great a happiness.

They are almost all of them very firmly persuaded, that good men will be infinitely happy in another state; so that though they are compassionate to all that are sick, yet they lament no mark's death, except they see him loth to part with life; for they look on this as a very ill presage, as if the soul, conscious to itself of guilt, and quite hopeless, was afraid to leave the body, from some secret hints

of approaching mifery. They think that fuch a man's appearance before God, cannot be acceptable to him, who being called on, does not go out cheerfully, but is backward and unwilling, and is, as it were, dragged to it. They are struck with horror, when they see any die in this manner, and carry them out in filence, and with forrow, and praying God that he would be merciful to the errors of the departed foul, they lay the body in the ground: but when any die cheerfully, and full of hope, they do not mourn for them, but fing hymns when they carry out their bodies, and commending their fouls very earnestly to God: their whole behaviour is then rather grave than fad, they burn the body, and fet up a pillar where the pile was made, with an infcription to the honour of the deceased. When they come from the funeral, they discourse of his good life, and worthy actions, but speak of nothing oftener and with more pleasure, than of his ferenity at the hour of death. They think fuch respect paid to the memory of good men, is both the greatest incitement to engage others to follow their example, and the most acceptable worship that can be offered them; for they believe that though by the imperfection of human fight, they are invitible to us, yet they are prefent among us, and hear those discourses that pass concerning themselves. They believe it inconsistent with the happiness of departed souls, not to be at liberty to be where they will: and do not imagine them capable of the ingratitude of not defiring to fee those friends, with whom they lived on earth in the firidest bonds of love and kindness: besides they are persuaded that good men after death

death have these affections, and all other good dispositions encreased rather than diminished, and therefore conclude that they are still among the living, and observe all they say or do. From hence they engage in all their affairs with the greater considence of success, as trusting to their protection; while this opinion of the presence of their ancestors is a restraint that prevents their engaging in ill designs.

They despise and laugh at auguries, and the other vain and superstitious ways of divination, so much observed among other nations; but have great reverence for such miracles as cannot flow from any of the powers of nature, and look on them as effects and indications of the presence of the Supreme Being, of which they say many instances have occurred among them; and that sometimes their public prayers, which upon great and dangerous occasions they have solemnly put up to God, with assured considence of being heard, have been answered in a miraculous manner.

I hey think the contemplating God in his works, and the adoring him for them, is a very acceptable piece of worship to him.

There are many among them, that upon a motive of religion, neglect learning, and apply themselves to no fort of study; nor do they allow themselves any leisure time, but are perpetually employed, believing that by the good things that a man does he secures to himself that happiness that comes after death. Some of these visit the sick; others mend highways, cleanse ditches, repair bridges, or dig turf, gravel, or stones. Others fell and cleave

cleave timber, and bring wood, corn and other necessaries, on carts into their towns. Nor do these only serve the public, but they serve even private men, more than the slaves themselves do: for if there is any where a rough, hard, and sordid piece of work to be done, from which many are frightened by the labour and lothsomeness of it, if not the despair of accomplishing it, they cheerfully, and of their own accord, take that to their share; and by that means, as they case others very much, so they afflict themselves, and spend their whole life in hard labour: and yet they do not value themselves upon this, nor lessen other people's credit, to raise their own; but by their stooping to such service employments, they are so far from being despised, that they are so much the more esteemed by the whole nation.

Of these there are two sorts: some live unmarried and chaste, and abstain from eating any sort of siesh; and thus weaning themselves from all the pleasures of the present life, which they account hurtful, they pursue, even by the hardest and painfullest methods possible, that blessedness which they hope for hereaster; and the nearer they approach to it, they are the more cheerful and earnest in their endeavours after it. Another fort of them is less willing to put themselves to much toil, and therefore prefer a married state to a single one; and as they do not deny themselves the pleasure of it, so they think the begetting of children is a debt which they owe to human nature, and to their country: nor do they avoid any pleasure that does not hinder labour; and therefore eat sieth so much the more willingly, as they find that by this means they

are the more able to work: the Utopians look upon these as the wiser sect, but they esteem the others as the most holy. They would indeed laugh at any man, who from the principles of reason, would prefer an unmarried state to a married, or a life of labour to an easy life: but they reverence and admire such as do it from the motives of religion. There is nothing in which they are more cautious, than in giving their opinion positively concerning any fort of religion. The men that lead those severe lives, are called in the language of their country Brutheskas, which answers to those we call religious orders.

Their priess are men of eminent piety, and therefore they are but few, for there are only thirteen in every town, one for every temple; but when they go to war, feven of these go out with their forces, and seven others are chosen to supply their room in their absence; but these enter again upon their employment when they return; and those who ferved in their absence, attend upon the high-priest, till vacancies fall by death; for there is one fet over all the rest. They are chosen by the people as the other magistrates are, by suffrages given in secret, for preventing of factions: and when they are chosen, they are consecrated by the college of priefts. The care of all facred things, the worship of God, and an inspection into the manners of the people, are committed to them. It is a reproach to a man to be fent for by any of them, or for th m to speak to him in sccret, for that always gives some fuspicion: all that is incumbent on them, is only to exhert and admonish the people; for the power of correcting and punishing ill men, belongs wholly to the prince, and to

the other magistrates: the feverest thing that the priest does, is the excluding those that are desperately wicked from joining in their worship: There is not any fort of punishment more dreaded by them than this, for as it loads them with infamy, fo it fills them with fecret horrors, fuch is their reverence to their religion; nor will their bodies be long exempted from their share of trouble; for if they do not very quickly fatisfy the priests of the truth of their repentance, they are feized on by the fenate, and punished for their impiety. The education of youth belongs to the priefts, vet they do not take fo much care of instructing them in letters, as in forming their minds and manners aright: they use all possible methods to infuse very early into the tender and flexible minds of children, fuch opinions as are both good in themselves, and will be useful to their country: for when deep impressions of these things are made at that age, they follow men through the whole course of their lives, and conduce much to preserve the peace of the government, which fuffers by nothing more than by vices that rife out of ill opinions. The wives of their priests are the most extraordinary women of the whole country; fometimes the women themselves are made priests, though that falls out but feldom, nor are any but antient widows chosen into that order.

None of the magistrates have greater honour paid them, than is paid the priests; and if they should happen to commit any crime, they would not be questioned for it: their punishment is left to God, and to their own consciences: for they do not think it lawful to lay hands on any man,

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how wicked foever he his, that has been in a peculiar manner dedicated to God; nor do they find any great inconvenience in this, both because they have so sew priests, and because these are chosen with much caution, so that it must be a very unusual thing to find one who merely out of regard to his virtue, and for his being esteemed a singularly good man, was raised up to so great a dignity, degenerate into corruption and vice: and if such a thing should fall out, for man is a changeable creature; yet there being sew priests, and these having no authority, but what rises out of the respect that is paid them, nothing of great consequence to the public can proceed from the indemnity that the priests enjoy.

They have indeed very few of them, lest greater numbers sharing in the same honour, might make the dignity of that order which they esteem so highly, to sink in its reputation: they also think it difficult to find out many of such an exalted pitch of goodness, as to be equal to that dignity which demands the exercise of more than ordinary virtues. Nor are the priests in greater veneration among them, than they are among their neighbouring nations, as you may imagine by that which I think gives oceasion for it.

When the Utopians engage in battle, the priests who accompany them to the war, apparelled in their facred vestments, kneel down during the action, in a place not far from the field; and lifting up their hands to Heaven, pray, first for peace, and then for victory to their own fide, and particularly that it may be gained without the effusion of much blood on either side, and when the victory

turns to their fide, they run in among their own men to restrain their fury; and if any of their enemies see them, or call to them, they are preserved by that means: and fuch as can come fo near them as to touch their garments, have not only their lives, but their fortunes fecured to them: it is upon this account that all the nations round about consider them so much, and treat them with such reverence, that they have been often no less able to preferve their own people from the fury of their enemies, than to fave their enemies from their rage: for it has fometimes fallen out, that when their armies have been in diforder, and forced to fly, fo that their enemies were running upon the flaughter and spoil, the priests by interposing, have feparated them from one another, and stopped the effusion of more blood; fo that by their mediation, a peace has been concluded on very reasonable terms; nor is there any nation about them fo fierce, cruel, or barbarous, as not to look upon their persons as facred and inviolable.

The first and the last day of the month, and of the year, is a festival: they measure their months by the course of the moon; and their years by the course of the sun: the first days are called in their language the Cynemernes, and the last the Trapemernes; which answers in our language to the festival that begins, or ends the season.

They have magnificent temples, that are not only nobly built, but extremely fpacious; which is the more necessary, as they have so few of them: they are a little dark within, which proceeds not from any error in the architecture, but is done with design; for their priests think that too much light dissipates the thoughts, and that a more mo-

derate degree of it, both recollects the mind, and raifes devotion. Though there are many different forms of religion among them, yet all these, how various soever, agree in the main point, which is the worshipping the Divine Essence; and therefore there is nothing to be seen or heard in their temples, in which the feveral perfuafions among them may not agree; for every fect performs those rites that are peculiar to it, in their private houses, nor is there any thing in the public worship, that contradicts the particular ways of those different sects. There are no images for God in their temples, fo that every one may reprefent him to his thoughts, according to the way of his religion; nor do they call this one God by any other name, but that of Mithras, which is the common name by which they all express the Divine Essence, whatsoever otherwise they think it to be; nor are there any prayers among them, but fuch as every one of them may use without prejudice to his own opinion.

They meet in their temples on the evening of the festival that concludes a season: and not having yet broke their sast, they thank God for their good success during that year or month, which is then at an end: and the next day, being that which begins the new season, they meet early in their temples, to pray for the happy progress of all their affairs during that period, upon which they then enter. In the session which concludes the period, before they go to the temple, both wives and children fall on their knees before their husbands or parents, and confess every thing in which they have either erred or failed in their duty, and beg pardon for it: thus all little discontents

contents in families are removed, that they may offer up their devotions with a pure and ferene mind; for they hold it a great impiety to enter upon them with diffurbed thoughts; or with a consciousness of their bearing hatred or anger in their hearts to any person whatsoever; and think that they should become liable to severe punishments, if they prefumed to offer facrifices without cleanfing their hearts, and reconciling all their differences. In the temples, the two fexes are feparated, the men go to the right hand, and the women to the left: and the males and females all place themselves before the head, and master or mistress of that family to which they belong; so that those who have the government of them at home, may fce their deportment in public: and they intermingle them fo, that the younger and the older may be fet by one another; for if the younger fort were all fet together, they would perhaps trifle away that time too much, in which they ought to beget in themselves that religious dread of the Supreme Being, which is the greatest, and almost the only incitement to virtue.

They offer up no living creature in facrifice, nor do they think it fuitable to the Divine Being, from whose bounty it is that these creatures have derived their lives, to take pleasure in their deaths, or the offering up their blood. They burn incense, and other sweet odours, and have a great number of wax lights during their worship; not out of any imagination that such oblations can add any thing to the Divine Nature, which even prayers cannot do; but as it is a harmless and pure way of worshipping God; so they think those sweet savours and lights, to-

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gether with fome other ceremonies, by a fecret and unaccountable virtue, clevate men's fouls, and inflame them with greater energy and cheerfulness during the divine worship.

All the people appear in the temples in white garments: but the priest's vestments are parti-coloured; and both the work and colours are wonderful: they are made of no rich materials, for they are neither embroidered, nor fet with precious stones, but are composed of the plumes of feveral birds, laid together with fo much art, and fo neatly, that the true value of them is far beyond the cofflieft materials. They fay, that in the ordering and placing those plumes, fome dark mysteries are represented, which pass down among their priefts in a fecret tradition concerning them; and that they are as hieroglyphics, putting them in mind of the bleffings that they have received from God, and of their duties, both to him and to their neighbours. As foon as the priest appears in those ornaments, they all fall prostrate on the ground, with so much reverence and fo deep a filence, that fuch as look on, cannot but be struck with it, as if it were the effect of the appearance of a deity. After they have been for some time in this posture, they all fland up, upon a fign given by the prieft, and fing hymns to the honour of God, fome mufical instruments playing all the while. These are quite of another form than those used among us: but, as many of them are much fweeter than ours, fo others are made use of by us. Yet in one thing they very much exceed us; all their music, both vocal and instrumental, is adapted to imitate and express the passions; and is so happily suited to every

every occasion, that whether the subject of the hymn be cheerful, or formed to footh or trouble the mind, or to express grief or remorfe; the music takes the impression of whatever is represented, affects and kindles the passions, and works the fentiments deep into the hearts of the hear-When this is done, both priests and people offer up yer folemn prayers to God in a fet form of words; and these are so composed, that whatsoever is pronounced by the whole affembly, may be likewife applied by every man in particular to his own condition; in these they acknowledge God to be the author and governor of the world, and the fountain of all the good they receive; and therefore offer up to him their thankfgiving; and in particular, blefs him for his goodness in ordering it so, that they are born under the happiest government in the world, and are of a religion which they hope is the trueft of all others: but if they are mistaken, and if there is either a better government, or a religion more acceptable to God, they implore his goodness to let them know it, vowing that they refolve to fo low him whitherfoever he leads them: but if their government is the best, and their religion the truest, then they pray that he may fortify them in it, and bring all the world, both to the fame rules of life, and to the fame opinions concerning himfelf; unless, according to the unsearchableness of his mind, he is pleased with a variety of religions. Then they pray that God may give them an easy passage at last to himself; not presuming to fer limits to him, how early or late it should be; but if it may be wished for, without derogating from his surreme authority, they defire to be quickly delivered, and to be K 4 taken

taken to himself, though by the most terrible kind of death, rather than to be detained long from seeing him, by the most prosperous course of life. When this prayer is ended, they all fall down again upon the ground, and after a little while they rise up; go home to dinner, and spend the rest of the day in diversion or military exercises.

Thus have I described to you, as particularly as I could, the conflitution of that commonwealth, which I do not only think the best in the world, but indeed the only commonwealth that truly deferves that name. In all other places, it is visible, that while people talk of a common wealth, every man only feeks his own wealth; but there, where no man has any property, all men zealoufly purfue the good of the public. And indeed it is no wonder to fee men act fo differently; for in other commonwealths, every man knows, that unless he provides for himfelf, how flourishing focver the commonwealth may be, he must die of hunger; so that he sees the necessity of preferring his own concerns to the public. But in Utopia, where every man has a right to every thing, they all know, that if care is taken to keep the public stores full, no private man can want any thing; for among them there is no unequal distribution, fo that no man is poor, none in necessity; and though no man has any thing, yet they are all rich; for what can make a man fo rich, as to lead a serene and cheerful life, free from anxieties; neither apprehending want himself, nor vexed with the endless complaints of his wife? He is not afraid of the mifery of his children, nor is he contriving

triving how to raise a portion for his daughters, but is fecure in this, that both he and his wife, his children and grand-children, to as many generations as he can fancy, will all live, both plentifully and happily; fince among them there is no less care taken of those who were once engaged in labour, but grow afterwards unable to follow it, than there is elsewhere of these that continue still employed. I would gladly hear any man compare the juftice that is among them with that of all other nations; among whom, may I perish, if I see any thing that looks either like justice or equity. For what justice is there in this, that a nobleman, a goldfmith, a banker, or any other man, that either does nothing at all, or at best is employed in things that are of no use to the public, should live in great luxury and fplendor upon what is fo ill acquired, and a mean man-a carter, a fmith, or a ploughman, that works harder even than the beafts themselves, and is employed in labours fo necessary, that no commonwealth could hold out a year without them, can only earn so poor a livelihood, and must lead so miserable a life, that the condition of the beafts is much better than For as the beafts do not work fo constantly, fo their's? they feed almost as well, and with more pleasure, and have no anxiety about what is to come; whilft these men are depressed by a barren and fruitless employment, and tormented with the apprehensions of want in their old age; fince that which they get by their daily labour does but maintain them at prefent, and is confumed as fast as it comes in; there is no overplus left to lay up for old age.

Is not that government both unjust and ungrateful, that is fo prodigal of its favors to those that are called gentle. men, or goldsmiths, or such others who are idle, or live either by flattery or by contriving the arts of vain pleafure; and, on the other hand, takes no care of those of a meaner fort, fuch as ploughmen, colliers, and fmiths, without whom it could not subfift? But after the public has reaped all the advantage of their service, and they come to be oppressed with age, sickness, and want, all their labours, and the good they have done, is forgotten; and all the recompence given them is, that they are left to die in great misery. The richer fort are often endeavoring to bring the hire of labourers lower, not only by their fraudulent practices, but by the laws which they procure to be made to that effect: fo that though it is a thing most unjust in itself, to give such small rewards to those who deserve so well of the public, yet they have given those hardships the name and colour of justice, by procuring laws to be made for regulating them.

Therefore I must say, that, as I hope for mercy, I can have no other notion of all the other governments that I see or know, than that they are a conspiracy of the rich, who, on pretence of managing the public, only pursue their private, ends, and devise all the ways and arts they can find out; first, that they may, without danger, preserve all that they have so ill acquired, and then, that they may engage the poor to toil and labour for them at as low rates as possible, and oppress them as much as they please. And if they can but prevail to get these contrivances established,

blished, by the show of public authority, which is considered as the representative of the whole people, then they are accounted laws. Yet these wicked men, after they have, by a most insatiable covetousness, divided that among themselves with which all the, rest might have been well fupplied, are far from that happiness that is enjoyed among the Utopians: for the use as well as the defire of money being extinguished, much anxiety, and great occasions of mischief, is cut off with it. And who does not fee, that the frauds, thefts, robberies, quarrels, tumults, contentions, feditions, murders, treacheries, and witchcrafts, which are indeed rather punished than restrained by the severities of law, would all fall off, if money were not any more valued by the world? Men's fears, folicitudes, cares, labours, and watchings, would all perish in the same moment with the value of money. Even poverty itself, for the relief of which money seems most necessary, would fall. But, in order to the apprehending this aright, take one instance:

Confider any year that has been so unfruitful that many thousands have died of hunger; and yet, if at the end of that year a survey was made of the granaries of all the rich men that have hoarded up the corn, it would be sound that there was enough among them to have prevented all that consumption of men that perished in mifery; and that if it had been distributed among them, none would have felt the terrible effects of that searcity: so easy a thing would it be to supply all the necessities of life, if that blessed thing called money, which is pretended

to be invented for procuring them was not really the only thing that obstructed their being procured!

I do not doubt but rich men are fensible of this, and that they well know how much a greater happiness it is to want nothing necessary, than to abound in many superfluities; and to be rescued out of so much misery, than to abound with fo much wealth. And I cannot think but the fense of every man's interest, added to the authority of Christ's commands, who as he was infinitely wife, knew what was best, and was not less good in discovering it to us, would have drawn all the world over to the laws of the Utopians, if pride, that plague of human nature, that fource of fo much mifery, did not hinder it: for this vice does not measure happiness so much by its own conveniencies, as by the miferies of others; and would not be fatisfied with being thought a goddess, if none were left that were miserable, over whom she might insult. Pride thinks it's own happiness shines the brighter, by comparing it with the misfortunes of other persons; that by displaying it's own wealth, they may feel their poverty the more fenfibly. This is that infernal ferpent that creeps into the breasts of mortals, and possesses them too much to be eafily drawn out: and therefore I am glad that the Utopians have fallen upon this form of government, in which I wish that all the world could be so wise as to imitate them: for they have indeed laid down fuch a scheme and foundation of policy, that as men live happily under it, fo it is like to be of great continuance; for they having rooted out of the minds of their people, all the feeds, both of ambition and faction, there is no danger of

any commotions at home; which alone has been the ruin of many states, that seemed otherwise to be well secured; but as long as they live in peace at home, and are governed by such good laws, the envy of all their neighbouring princes, who have often though in vain attempted their ruin, will never be able to put their state into any commotion or disorder.

When Raphael had thus made an end of speaking, though many things occurred to me, both concerning the manners and laws of that people, that feemed very abfurd, as well in their way of making war, as in their notions of religion, and divine matters; together with feveral other particulars, but chiefly what feemed the foundation of all the rest, their living in common, without the use of money, by which all nobility, magnificence, fplendour, and majesty, which, according to the common opinion, are the true ornaments of a nation, would be quite taken away; yet fince I perceived that Raphael was weary, and was not fure whether he could eafily bear contradiction, remembering that he had taken notice of some, who feemed to think they were bound in honour to support the credit of their own wisdom, by finding out something to censure in all other men's inventions, besides their own; I only commended their constitution, and the account he had given of it in general; and fo taking him by the hand, earried him to supper, and told him I would find out some other time for examining this subject more particularly, and for discoursing more copiously upon it; and indeed I shall be glad to embrace an opportunity of doing it. In the mean while,

while, though it must be confessed that he is both a very learned man, and a person who has obtained a great knowledge of the world, I cannot persectly agree to every thing he has related; however, there are many things in the commonwealth of Utopia, that I rather wish, than hope, to see followed in our governments.



FINIS

